

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
Monday, June 18, 2018

The regular monthly meeting of the City Civil Service Commission was held on Monday, June 18, 2018 at 1340 Poydras Street, Suite 964. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Vice Chairperson Ronald McClain, Commissioner Clifton Moore, Jr., and Commissioner Tania Tetlow. Vice Chairperson McClain convened the meeting at 10:03 a.m. Commissioner Stephen Caputo joined the meeting at 10:06 a.m. At 10:18 a.m. on motion of Commissioner Caputo and second of Commissioner McClain, the Commission voted unanimously to go into executive session.

At 11:11 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 21, 2018 meeting. Commissioner Caputo moved to approve the minutes. Commissioner Moore seconded the motion and it was approved unanimously.

Item #2 was a Commission request to the City Council to use the Council Chambers for monthly meetings. Brendan Greene, Executive Counsel for the Commission, stated that the offer had been made by several council members in order to leverage additional space, technology, and accessibility in the Council Chambers. Commissioner Tetlow noted that the Business Council had also requested that the meetings be moved to the Council Chambers. Commissioner Moore motioned to formally request potential meeting dates. Commissioner Caputo seconded the motion and it was approved unanimously. Personnel Director, Lisa Hudson, then asked if the docket would also be held in the Council Chambers. She noted that currently, the docket is not televised. Commissioner McClain suggested checking on how much authority the Commission would have to decide what is televised.

Item #3 was a report on delegation of authority to the Sewerage and Water Board (S&WB). Brendan Greene stated that he did not have an update any different from what he had last presented. He reported that staff had been meeting with Marina Kahn and Jade Brown-Russell regarding strategies to reduce their staffing issues. He noted that between March 1st and May 15th S&WB had made 150 appointments and promotions. Commissioner McClain

asked if a strike force using human resources staff from other departments to get through the bottleneck had been implemented. Mr. Greene responded that the details were still being worked through. Commissioner McClain asked if delegation was on hold while the new strategies are being attempted. Mr. Greene responded that S&WB staff is still receiving and screening candidates, certifying their own registers and performing delegated processes. He noted that it may be premature for the Commission to address that issue until the Civil Service Department can finalize securing more staffing and space.

Item #4(a) under Classification and Compensation Matters was a report on the status of the 2018 Unclassified Police Commander audit. Director Hudson noted that staff was just introducing the report in order to allow others to prepare a response to it. Commissioner Tetlow instructed Director Hudson to release the report to the parties and noted that the Commission would also be considering it. She asked if the Commission could schedule a special meeting at the beginning of August to hear from the parties and make a decision because she would be out of town in July. Raymond Burkhart, a Police Major, voiced his displeasure regarding the delay. Commissioner McClain noted that the Commission would need to make a decision as to if it accepts the staff's audit after NOPD responds.

Item #4(b) was a request from the Police Department for retroactive application of Rule IV, Section 8.3 relative to Lt. Christian Hart and Senior Police Officer Rhonda Hamann. Robert Hagmann, Personnel Administrator over the Classification and Compensation Division, noted that the Police Department was asking for an exception to the cumulative leave rule. He stated that Lt. Hart and Officer Hamann had been reinstated in December of 2014 which is prior to the date the Commission adopted the cumulative leave rule. The effective date of the rule is August of 2015. He stated that the request had been previously made by the Police Association of New Orleans (PANO) and denied. He noted that in this case, the Police Superintendent now supports these exceptions. Commissioner McClain asked why it had been denied previously. Mr. Hagmann responded that it is because you cannot have a retroactive rule. Mr. Hagmann stated that his understanding is that when there is a rule change it has to be made prospectively. Eric Hessler, representing PANO, stated that the Police Department is in agreement to go prospectively from the beginning of next month. Mr. Hessler stated that he had originally asked for this rule change on behalf of Lt. Hart and Officer Hamann, but by the time the Commission considered it, both had already come back to work with NOPD. They did not receive the benefit of it even

though they were the impetus for it. Director Hudson asked if an exception would apply just for these two individuals or if it would apply for others in similar situations. Commissioner McClain indicated he was concerned about the precedent it would set. He noted that Lt. Hart and Officer Hamann came back to work with the understanding that this would not be available to them. Mr. Hagmann recommended that the Commission take the matter under advisement and get a legal opinion. Commissioner McClain stated he was afraid that there would be twenty other people who would come back and ask for the same thing. Mr. Greene stated that he was concerned about the lack of uniformity in the retroactive application of the rule. Commissioner Tetlow asked that the item be placed on the July docket and that Mr. Greene prepare a legal opinion for the Commission on the matter.

Item #4(c) was a request from the Police Department to extend the authorization of unclassified positions in the Police Department's Compliance Unit. Robert Hagmann stated that NOPD had requested a twelve month extension for its temporary unclassified Consent Decree compliance positions. He noted that staff had also been asked by NOPD to review these positions to see if they should be remanded to the classified service. Mr. Hagmann explained that since the time the Commission has approved them has come to an end, the positions need to be extended while staff completes its review. Commissioner McClain moved to approve the extension with the contingency that they are moving toward classified positions. Commissioner Moore seconded the motion and it was approved unanimously.

Item #4(d) was a request from Ms. Darnella Adams and Ms. Rayshawn Gremillion to address the Commission regarding "working out of class" and other related matters. Robert Hagmann stated that after last month's meeting, staff conducted an investigation and found that these individuals did not work in a capacity outside the scope of their respective classifications. In this particular case, a Management Development Specialist classification was allocated to act as a supervisor in the Public Records Subpoena Unit. This allocation was made to civilianize the unit and take over an officer related position. NOPD failed to assign the proper responsibility to the individual that was hired. There were other people in the unit doing nonsupervisory work who thought they were aggrieved because the supervisor wasn't doing what she was supposed to do. Mr. Hessler stated that Ms. Adams and Ms. Gremillion were doing the exact same work as the individual. He further stated that the concerning part is that Civil Service previously investigated it and informed NOPD that the individual needed to be performing supervisory

duties or needed to be demoted. Mr. Hessler added that NOPD stated they had given the employee the supervisory duties, but this was not done. Commissioner McClain stated that the supervisor's failure to perform those duties does not equate to those two individuals working out of class. Director Hudson reported that the person in question had since left the department. Commissioner Tetlow moved to deny the request. The motion was seconded by Commissioner Caputo. Commissioner Moore recused himself and the remaining Commissioners voted in favor of the motion to deny the request.

Item #4(e) was an exception to Rule V, Section 9.5 and Section 9.6 (3) relative to drug testing of NORDC Summer Program applicants. Brendan Greene stated that the request was made by NORDC and he did not think the Civil Service staff had an objection to an exception under this particular circumstance. He stated that currently, an individual who refuses a drug test or fails to show up at the designated time and place for a pre-employment drug test is considered to have failed that drug test and cannot reapply for that or any other position in the classified service until they present documentation that they have participated in a rehabilitation program. This exception is requested for the Summer Program applicants who are typically teenagers or young residents who were not fully aware of the ramifications of missing the test or did not receive explicit notice of that. Mr. Greene stated that the Civil Service Department is going to provide explicit communications to these applicants going forward, so that they recognize that if they fail to show up it is essentially a failure. He asked that the Commission grant an exception for these particular applicants. Commissioner McClain clarified that this exception is not for applicants who have tested positive. Commissioner Tetlow voted to grant the exception as described. Commissioner Moore seconded the motion and it was approved unanimously.

Item #4(f) was a recommendation for Social Service job series title changes. Robert Hagmann stated that staff was requesting title changes in order to conform to State requirements regarding licensure and the use of the title of Social Worker. Commissioner Tetlow moved for approval of staff's recommendation. Commissioner Caputo seconded the motion and it was approved unanimously.

Item #5(a) under Recruitment and Selection Matters was the approval of examination announcements 9902-9924. Commissioner Tetlow moved to

approve the examination announcements. The motion was seconded by Commissioner Caputo and approved unanimously.

Item #5(b) was a request from Fraternal Order of Police (FOP) Attorney Claude Schlesinger to address concerns relative to a right to appeal an adverse decision of the Personnel Director relative to Shannon Brewer Jones' Police Sergeant Examination test results. Mr. Schlesinger stated that six weeks ago he had requested to be placed on the agenda to appeal an adverse decision of the Director and was denied. He found out that there is no rule that allows for the appeal of this specific adverse decision. He stated that he was currently before the Commission to discuss the right to appeal, not the merits of the appeal. Mr. Schlesinger stated he thinks that there should be a process for employees to appeal adverse decisions of the Personnel Director. Commissioner Tetlow stated that her concern was exactly what the scope of this would be because there are a lot of small decisions made by the Director on a daily basis. Commissioner McClain asked if a person who failed by one point was able to discuss those results with the department. Amy Trepagnier, Deputy Personnel Director, stated that the Rules allow for a person to report a manifest error with the test within thirty days of taking the test. Commissioner Moore asked if candidates could argue individual points and questions. Ms. Trepagnier responded that they could not, unless there was a manifest error, a flaw in the test that affected everyone. Commissioner Tetlow asked if it was a scantron test. Ms. Trepagnier responded that it was not, it was an assessment center. The test was constructed with subject matter experts and Psychometricians and then outside assessors are brought in to score the test. There is no recourse if a person believes that they should have received a point and were not awarded it by the assessors. That is due, in part, to the complexity of bringing the assessors back in and having them reassess everyone's test. Mr. Schlesinger stated that some officers were allowed to see the test in its entirety, so there was a disparity. Commissioner McClain stated that it sounded like Mr. Schlesinger would be asking for a rule change. Mr. Schlesinger said that was likely, but it would not address the current issue. Commissioner Moore noted that even if the assessors were reassembled to re-rate the test, then their decisions may adversely affect some of the other candidates which would create a ripple effect that would be a nightmare to sort out. Ms. Trepagnier agreed, stating that assessors would have to be brought in every time there was a proposed issue and reassess everyone's test. Mr. Schlesinger stated that his client is being treated like an unclassified employee and losing out of the objectivity that Civil Service is all about. Commissioner McClain noted that everyone who took the test has the same

rules as Mr. Schlesinger's client. Mr. Schlesinger stated that there were some failures that were allowed to see their tests. Ms. Trepagnier noted that Mr. Schlesinger was referencing the voluntary feedback sessions provided to applicants to give them information on their strengths and weaknesses to help them prepare for their next testing cycle. She stated that the intent of the feedback sessions is not for them to compare their individual responses to the scoring sheets and rubrics. Eric Hessler, representing PANO, stated he would support FOP's motion, noting he had appeared before the Commission a month ago on the same issue. He stated that the two candidates who failed by one point had seen parts of the test and their answers were in conformance with NOPD policies and the answers they were told were expected, did not conform to NOPD policy. The assessors will have a subjective take on what they see and don't see. The way that the promotional system is now, it is more imperative than ever for employees to have confidence in the system. Director Hudson clarified that how the Civil Service Department creates and administers promotional exams has not been changed in regard to the Great Place to Work Rules. That is not an issue of confidence. Mr. Hessler stated that passing the test matters now, not your score. Commissioner Tetlow stated that prospectively we should take a look and make sure that there is no wiggle room about what is in fact NOPD policy. Ms. Trepagnier stated that the scoring rubrics for the tests are developed by using subject matter experts within the Police Department. Those rubrics provide guidance to the assessors on NOPD specific policy. That is why we don't use an off the shelf product. Ms. Schlesinger stated that there was a question of if a simple math error had been made. Ms. Trepagnier responded that when that was alleged staff went back and checked the math. Civil Service also has safeguards in place because there is a person who does the data entry and another who checks that data entry. Staff went back to this candidate's sheet and re-added to make sure it came out the same and it did. Commissioner Moore stated that he took Mr. Hessler's point that the meaning of the test has morphed into pass fail and that is less than ideal. The system is not perfect, but it is consistent and transparent throughout the process. He further stated that to question that on the back end gives him pause. Commissioner Tetlow stated that the idea that the Commission would go back and apply the scoring rubric and decide if the tests were properly scored belies the issue. Commissioner McClain stated that with the particular individual it appears that a number of reviews have been made to determine if a mistake was made. No action was taken by the Commission.

Item #6 was the ratification of Public Integrity Bureau (PIB) 60 day extension requests. Commissioner McClain called for public comment. There being no public comment, Commissioner Tetlow moved to approve the extensions. Commissioner Moore seconded the motion and it was approved unanimously.


Item #7(a) under Communications was a report on the Fire Union's request for Pay Plan revisions based upon the SSA Study (on hold). Robert Hagmann stated that staff is reviewing fire pay and pay practices and would be making a recommendation to the Commission in the near future. He noted that fire pay is complicated.

Item #7(b) was a report on the Revenue Field Agent series study (on hold). Mr. Hagmann reported that staff had made its final recommendation to the department, but had not yet received feedback.

Item #7(c) was a report on ADP ongoing issues. Mr. Hagmann noted that staff was working on hiring for the Summer Recreation Program. He further noted that staff has also been working with Finance and Police to assign employees to their correct organizational codes for budget purposes.

Item #8(d) was a report on Civil Service budget and staffing. Director Hudson stated that staff will be meeting with the administration the next day to look at space.

There being no additional business to consider, Commissioner Moore moved for adjournment at 12:10 p.m. The motion was seconded by Commissioner Tetlow and approved unanimously.



Commissioner



Commissioner



Commissioner