

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

The regular monthly meeting of the City Civil Service Commission was held on Monday, February 17, 2014 at 1340 Poydras Street, Suite 900. Present were Chairman Kevin W. Wildes, S.J., Commissioners Joseph S. Clark, Michelle D. Craig, Edward P. Cohn and Ronald P. McClain. The Chairman convened the meeting at 10:08 a.m. and proceeded by sounding the Commission's docket. At this time a proposed settlement agreement in the matter of McCabe vs NOPD was discussed. Objections to the proposal were raised by interested parties, specifically members of the family of Henry Glover. At 10:43 a.m., on motion of Commissioner McClain and seconded by Commissioner Clark, the Commission voted unanimously to go into recess to discuss the proposed settlement in its judicial capacity. At 11:07 a.m. the Commission completed its recess and returned to the Commission's docket. Commissioner Michelle Craig gave a statement to the audience informing them that the Commission has decided to accept the proposed settlement agreement between Mr. McCabe and the City. On motion of Commissioner Cohn and seconded by Commissioner McClain, the settlement agreement was accepted unanimously. At 11:09 a.m., on motion of Commissioner Cohn and seconded by Commissioner Clark, the Commission voted unanimously to go into executive session to discuss matters taken under advisement and pending litigation. At 11:25 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 January 13, 2014 meeting. The minutes were approved unanimously on motion of Commissioner Cohn and seconded by Commissioner McClain.

At the request of NOPD Superintendent, Ronal Serpas, and on motion of Commissioner Clark and seconded by Commissioner Craig, the Commission voted unanimously, to go out of order and address items #3(e) and #3(g) first.

Item #3(e) was a report on the request from the Police Association of New Orleans regarding Integrity Control Officers within the Police Department. Police Superintendent, Ronal Serpas, along with City Attorney Elizabeth Robins, gave a response to Civil Service's report regarding Integrity Control Officers within the Police Department. Ms. Robins addressed the Commission informing them that the City filed a reply, on behalf of Superintendent Serpas, NOPD and the City, in

response to the ICO report that was submitted by Civil Service at the December Commission meeting. She expressed that it was her opinion that the report submitted by Civil Service was flawed for a number of reasons, all of which were detailed in the City's reply. Mr. Eric Hessler, representing the Police Association of New Orleans (PANO), Mr. Donovan Livaccari, representing the Fraternal Order of Police (FOP), Mr. Brett Prendergast, representing the Integrity Control Officers, and Ms. Sharonda Williams, City Attorney, all addressed the Commission on the matter. Director Hudson explained that staff would like the opportunity to review Ms. Robinson's report in detail and prepare a response. Commissioner Clark moved to defer the matter to the next meeting. The motion was seconded by Commissioner Craig and approved unanimously. The Commission then requested that Civil Service submits its response to the Law Department within fourteen days. The Commission also requested that, if necessary, the Law Department submits a reply within seven days of receiving a response from Civil Service.

Item #3(g) was a request from the Police Department to amend the Pay Plan related to the Police Commander Special Rate of Pay. Police Superintendent Serpas addressed the Commission requesting the authority to realign the Police Commander Chief of Staff position to the Compliance Bureau and to also move the special rate of pay for this position over to the Compliance Bureau. On motion of Commissioner McClain and seconded by Chairman Wildes, the amendment to the Pay Plan was approved unanimously.

Item #3 on the agenda was Classification and Compensation matters. Item #3(a) was a review of the Office of Inspector General's unclassified School Construction Fraud positions. Director Hudson informed the Commission that the Office of Inspector General sent an email requesting that the matter be deferred.

Item #3(b) was the emergency overtime pay rule change proposals. Director Hudson informed the Commission that there was a breakdown from staff in their packets comparing the CAOs proposal to staff's proposal. Ms. Alexandra Norton, Service and Innovation Manager, addressed the Commission stating that the administration received a change on the previous Friday and would like a chance to figure out what the implications of the change would be and come back to the Commission at the next meeting and finalize the proposal. Chairman Wildes agreed to defer the matter for one month and suggested that the parties get together and bring it back to the Commission at the next meeting.

Item #3(c) was a request from PANO to investigate violations of Civil Service Rules relative to the establishment of rates of pay for the Office of Police Secondary Employment. Item #3(d) was the establishment of payroll codes for

payment through the City's payroll system for police detail work. Mr. Eric Hessler addressed the Commission on the matter. Mr. Gilbert Buras, Commission Counsel, recommended that the matter be deferred until a ruling is made by the federal district court. On motion of Commissioner Clark and seconded by Commissioner Craig, items #3(c) and #3(d) were deferred until such ruling is made.

Item #3(f) 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 on Limited Term positions. Mr. Robert Hagmann, Personnel Administrator, informed the Commission that in response to the Administration's request, staff was proposing a Disaster Recovery Program Assistant series. He explained that the positions are related to recovery efforts and will be conditional limited term appointments subject to a maximum of three years. These positions and salaries are as follows: Disaster Recovery Program Assistant I, \$31,899; Disaster Recovery Program Assistant II, \$37,959; and Disaster Recovery Program Assistant III, \$44,061. Mr. Hagmann stated that staff was also proposing a rule change to Rule VI, Section 5 to add on a Section 5.2, which would stipulate the guidelines and requirements to how these limited term appointments would be handled. Director Hudson explained that the rule change would lie over for a month and should be voted on at next month's meeting.

The Commission then returned to Item #2 on the agenda which was a request from the Administration to amend Rule VIII, Section 1.4 related to the use of leave. Mr. Hagmann explained that this item was introduced at the January Commission meeting. He then reviewed the proposed amendment. On motion of Commissioner Cohn and seconded by Commissioner McClain, the amendment to Rule VIII, Section 1.4 was approved unanimously.

Item #4 on the agenda was Examination Announcements #8901 through #8907. On motion of Commissioner Cohn and seconded by Commissioner Clark, the announcements were approved unanimously.

Item #5(a) on the agenda was the proposed amendment to Rule IX related to disciplinary action and letters of reprimand. Item #5(b) on the agenda was the proposed amendment to Rule II, Section 4.1 on appeals. Item #5(c) on the agenda was the proposed amendment to Rule I, Definition of Letter of Reprimand. Director Hudson explained that Items #5(a), #5(b) and #5(c) are all related to changing the rules to reflect disciplinary action of letters of reprimand. She informed the Commission that she met with Ms. Elizabeth Robins of the City Attorney's Office and Ms. Yolanda Grinstead of Sewerage and Water Board's

Attorney's Office. She explained that they went through the rules and came up with an agreement, including adding the definition for Letter of Reprimand to Rule I. On motion of Commissioner Clark and seconded by Commissioner Cohn, Items #5(a), #5(b), and #5(c) were approved with four votes. Chairman Wildes and Commissioners Clark, Cohn and McClain voted in favor of the rule change and Commissioner Michelle Craig abstained.

Item #6 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 Chairman Wildes.

Item #7 on the agenda was a request from ITI to address the Commission regarding the NEOGOV Letter of Agreement between Civil Service and ITI. Mr. Allen Square, Chief Information Officer, addressed the Commission asking that they direct staff to begin working on the NEOGOV implementation. Mr. Gilbert Buras explained that some of the data in this system is unique to the Civil Service Department and should remain under the control of the Civil Service Department. He informed the Commission that he had spoken with the City Attorney and that they will work on an agreement. Ms. Monica Manzella, attorney with the City's Law Department also spoke on the matter. After further discussion between the parties, Chairman Wildes recommended that the parties get together, come up with an agreement and bring it to the Commission at the next Commission meeting. Mr. Randolph Scott, representing the Concerned Classified City Employees' Group, then addressed the Commission requesting that they protect the information of classified city employees.

Item #8 on the agenda was Communications. Item #8(a) on the agenda was an update on the status of establishing a Citywide Compensatory Time Policy. Director Hudson explained that she had scheduled a meeting with the Fire Union which was cancelled and so staff is planning to reschedule that meeting.

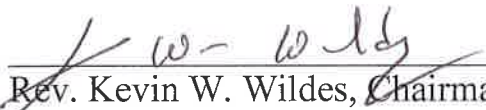
Item #8(b) on the agenda was an update on the status of the Firefighters Association regarding New Orleans Fire Department employees working out of class. Mr. Hagmann informed the Commission that staff had received a large amount of data and that staff is in the process of reviewing this information and would like to complete its investigation within the next few weeks.


Item #8(c) was an update on the investigation of Fire Department pay practices as it relates to Holiday Pay and Leave accrual. Mr. Hagmann reported to the Commission that in the course of the ADP implementation, staff is in the process


of reviewing a number of pay practices that are not in keeping with the pay plan or with Civil Service Rules. He informed the Commission that staff had just received a package from the Fire Department that illustrates how these practices are currently operating. Mr. Hagmann informed the Commission that staff hopes to present a report along with recommendations at the next Commission meeting.

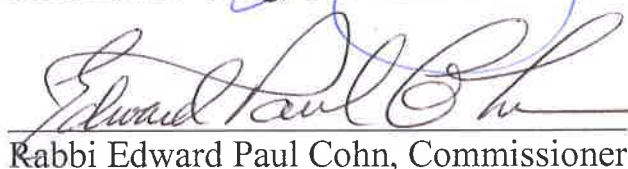
Item #8(d) was an update on the status of the CAO policy regarding ban the box and on training for HR managers. Director Hudson informed the Commission that Civil Service had received a ban the box policy from Sewerage and Water Board (S&WB) and is in the process of reviewing that policy. She expressed that she would like to meet with S&WB to go over the policy in more detail since it is not the same as the City's policy. Director Hudson informed the Commission that Ms. Elizabeth Robins has been providing more training for HR officers on ban the box policy. She expressed that there was an issue with the City regarding what information gets placed in an employee's personnel file. She also expressed that there was a problem with using the state's background check process. Ms. Robins explained that she was looking into the matter and is checking on the possibility of using other databases for background checks.

With no other communications to consider, on motion of Commissioner Cohn and seconded by Commissioner Clark, the meeting was adjourned at 12:56 p.m.


Rev. Kevin W. Wildes, Chairman


Joseph S. Clark, Commissioner


Michelle D. Craig, Commissioner


Rabbi Edward Paul Cohn, Commissioner


Ronald P. McClain, Commissioner