

CIVIL SERVICE COMMISSION
SPECIAL MEETING

Tuesday, November 5, 2019

A special meeting of the City Civil Service Commission was held on Tuesday, November 5, 2019 at 1340 Poydras Street, Suite 964. Lisa Hudson, Personnel Director, called the roll. Present were Chairperson Michelle Craig, Vice Chairperson Clifton Moore, Jr., Commissioner Brittney Richardson, Commissioner John Korn, and Commissioner Mark Surprenant. Chairperson Craig convened the meeting at 11:07 a.m.

Director Hudson stated that there was a request from the city administration to add items to the agenda.

The first item was a request to appoint provisional Police Captains. Commissioner Richardson motioned to add the item to the agenda. The motion was seconded by Commissioner Moore and approved unanimously.

The second item was a request to appoint Police Captains to assignments previously led by Commanders. Commissioner Moore motioned to add the item to the agenda. The motion was seconded by Commissioner Richardson and approved unanimously.

The third item was a proposed Pay Plan amendment to change salaries for Police Captain. Commissioner Richardson motioned to add the item to the agenda. The motion was seconded by Commissioner Surprenant and approved unanimously.

The fourth item was a proposed Pay Plan amendment on special rates of pay. Commissioner Korn motioned to add the item to the agenda. The motion was seconded by Commissioner Surprenant and approved unanimously.

Gilbert Montaña, Chief Administrative Officer, asked that the Commission act upon all four items as requested in his October 31st letter to the Commission. He stated the city is required to comply with the court order immediately, but it also has a responsibility to the residents of New Orleans to do so in a way that preserves public safety. Removing the Commander classification without the simultaneous proposed reforms would have drastic impacts on NOPD's command structure and impose pay cuts of up to \$20,000

annually. Acting in such as way would impact morale and is in no way required to comply with the court order.

Shawn Ferguson, Superintendent of NOPD, stated that he has requested the ability to appoint provisional Captains and allow the Commanders to fill those ranks. He then stated that there are not enough Captains or Majors to fill the department's leadership ranks now that we will no longer have Commanders. Upon reorganizing the command structure, there will be 22 command level positions that will need to be filled immediately. There are six classified Captains and one classified Major available to fill them at this time. He stated he was asking that the salaries of Captain and Major be adjusted to match the increased level of their responsibility which they will be gaining. He stated that when the previous Commission weighed in on the approval of the Commander position, they found that the qualifications and responsibilities were significant enough to merit a base salary of \$90,000. The needs and expectations of the department have not changed since that time, so the only change is to their title. He stated it had been nearly two decades since the job description for Captain was updated. There should be an expansion on the classification and a reassessment of how much the people in these positions receive. He stated he understands the reworking of a class can take some time, but while we wait the individuals should not be penalized. If we expect them to perform at the same level of performance and responsibility, they should not be expected to take a pay cut of nearly \$20,000. He then read Civil Service Rule III Section 7.4 and asked the Commission to use the Rule to keep the officers in the command positions at their current pay rate while a job study can be performed and a new test can be created for the Captain positions. He noted that if the first three requests are granted, NOPD would like to remove the special rate of pay for Majors and Captains in the Public Integrity Bureau (PIB) and the Police Academy in order to eliminate the inequity that would occur. He stated that this is about fairness across the board and noted that he is asking to continue building on the progress NOPD has made.

Dante Bidwell, Chief of Staff at NOPD, stated that at the last Commission meeting there was a 21 day deadline imposed upon them and if they do not get the provisional appointments they cannot meet that deadline to comply with the Orazio court order. He noted NOPD wants to work with Civil Service to do a job study to create a Captains test for the positions going forward. That is a lengthy process. He stated that while that is taking place, he wants to make sure the employees do not take a substantial pay cut while they are performing the same jobs. The only difference is their title. He stated that

NOPD would like to use Rule III Section 7.4 to keep them at their current rate of pay.

Commissioner Surprenant then clarified that the Commission did not impose a 21 day deadline at the previous hearing, but that the attorney representing the city had provided that timeframe in response to his question regarding how much time the city needed to comply with the court order.

Mr. Bidwell then stated that while NOPD is working on the Captain positions, they are requesting an amendment to the Pay Plan to get all Captains and Majors up to the same salary as the current Commanders. The Majors would receive a 5% pay increase on top of that per Civil Service Rules. He noted that the special rates of pay for PIB and the Academy would then need to be removed from the Pay Plan based on equity.

Stephanie Hennings, representing the Chief Administrative Office, requested that the four items be considered as a whole package.

Director Hudson then provided staff's position on the four items. She stated that regarding the request for provisional appointments, all current Commanders would qualify for provisional appointments to Captain. She noted that Rule III Section 7.4 would allow for provisional appointments, but it would not allow for the Commanders to maintain their current salary. Regarding the proposed Pay Plan amendments, staff had requested market data from NOPD to support the recommendation, but has not yet received it. Mr. Bidwell responded that is why they are requesting a job study be performed. He stated that with the tight timeline in preparing for this meeting, NOPD had not had an opportunity to put together the requested information. He noted that NOPD believes that if the Captains are performing the same work as the Commanders, the salary will be appropriate.

Superintendent Ferguson then stated that the court's ruling found that there is no difference between the Commander position and the Captain position and that this Commission agreed before that this position merited the \$90,000 salary. Director Hudson clarified that while the Commission approves unclassified positions, they do not approve pay for unclassified positions. That is done by the administration. That pay was not adopted by this Commission.

Mr. Montañó stated that this is beyond market pay for the level of responsibility. He noted that in most cities he has worked in, the Captain/Commander position has been paid \$100,000-\$105,000. He noted the \$90,000 is probably on the lower end of market pay for Commanders in charge of large districts. Director Hudson stated that some market data had been received from PANO and that staff was reviewing that data.

Regarding the fourth request, Director Hudson noted that she did not foresee any issues with removing the special rates of pay.

Mayor LaToya Cantrell stated that doing nothing would have a tremendous impact on both the Police Department and the City of New Orleans holistically. She asked that the package of requests be approved fully by the Commission.

Commissioner Korn asked if the salary cannot be maintained under Rule III Section 7.4, is there another way to do so. Director Hudson responded that the best way to do that is through an amendment to the Pay Plan. William Goforth, representing the City Attorney's Office, stated that the issue with a Pay Plan amendment is that it requires City Council approval, so there would be a delay. He noted the same thing would be true of a special rate of pay.

Commissioner Craig stated that time was of the essence. Mayor Cantrell stated it should be done without any lapse in pay to our officers; we want to keep them whole.

Sunni LeBeouf, City Attorney, stated that the city's proposal would allow for full compliance with the Orazio order as quickly as possible. She stated that great progress has been made since the Commander position was implemented in 2011 both toward compliance with the Consent Decree and in becoming a leader in constitutional policing.

Commissioner Moore stated that on its face, this is almost a circumvention of the will of the 4th Circuit. You are putting the same people in place by manipulating positions, pay classes, etc. Superintendent Ferguson responded that they are not trying to circumvent anything. This is about making everything fair across the board. He stated he would like to keep the same team in place because changing it would be detrimental to what has been achieved so far. Mayor Cantrell stated that this is about equity and fairness and keeping what is good going and getting better.

Commissioner Richardson stated that we need to figure out collaboratively how to make this work. Director Hudson asked if it was possible to have a little more time to work with the administration. Mayor Cantrell responded that we do not have time. Director Hudson clarified that the employees would continue in the unclassified position until we are able to work this out so that there would not be any disruption in their current salary. She noted that her understanding of the Rule is that they have 45 days to comply. Commissioner Richardson noted that the order was issued on October 15th.

Commissioner Surprenant stated that the Commission understands the equity involved in this and the advancements NOPD has made. He noted that legally, it is important for the Commission to get this right and they did not want to be told by the 4th Circuit that they did not get it right. He noted that the Commission wants to get this right from both a fairness and legal perspective.

Agenda Item #1 (a) a Police Association of New Orleans (PANO) request to consider a petition for back pay and future pay for Captains and Majors and #1 (b) a Police Association of New Orleans request to consider a petition for provisional appointments were also addressed at this time because they are related to the four items that were added to the agenda.

Raymond Burkhart, representing PANO, noted that there is a case that states that the City Council can supplement a uniform pay plan. He then stated that provisional appointments of Majors down the line and their job duties also need to be discussed. Eric Hessler, representing PANO, stated that PANO wholeheartedly supports all of Chief Ferguson's proposals. He stated that they will not work unless they are all passed as a whole. He then provided examples of rates of pay for Captains and Majors in other jurisdictions. Commissioner Craig asked if Mr. Hessler believed this could be accomplished via Rule III Section 7.4. He responded that he believed it needs to go before the City Council for approval. Mr. Burkhart then stated that the Consent Decree requires that the administration work with the civil service system for promotions.

Mr. Montañó stated that the administration and Law Department feel that Rule III Section 7.4 applies to the current situation. Mr. Goforth then stated that the case cited by PANO (the New Orleans Firefighters Association Local 632 versus the City of New Orleans) was regarding the state legislature's authority to impose supplemental pay and how that interacts with the Commission's

pay plan. That is a separate issue from the Commission's ability to adjust pay absent of the City Council. He stated that in his opinion, the only way to adjust pay is through the Pay Plan or through a Civil Service Rule that is already in place. He stated that we are proposing a change to the Pay Plan; we are also asking that while the process is ongoing, the Commission use Rule III Section 7.4 to temporarily adjust pay in this interim situation which specifically addresses a situation when an unclassified position has been removed. He stated that Director Hudson suggested that they be allowed to remain temporarily in the unclassified position and that he believes that Rule III Section 7.4 could also be interpreted to allow for that. Mr. Montañó then noted that there were time constraints related to the court's ruling.

Director Hudson then quoted Rule III Section 7.4 which reads, "If after a position formerly allocated to the unclassified service by the City Civil Service Commission has been revoked by action of the Commission, and no appropriate register of eligibles is in existence to fill the position in the classified service, the Commission may permit the individual who previously occupied the position to serve in a temporary appointment, subject to the provisions of Rule VI of these Rules." She then noted that a temporary appoint is what is called a provisional appointment. Provisional appointments are commonly granted. Individuals are required to meet the minimum qualifications. Rule VI is where you find the description of a provisional appointment. Provisional appointments do not impact salary. The only salary they can command is the current salary in the Pay Plan. Ms. LeBeouf stated that she did not hear disagreement from the unions regarding the city's interpretation of the Rule. This Rule specifically speaks to the Commission's discretion. Director Hudson noted that this Rule has never been used to allow for the maintenance of the salary unless it is the salary currently outlined in the Pay Plan. To do so would set a precedent that has never been allowed for previously.

Christina Carroll, Executive Counsel for the Civil Service Commission, asked if the administration would agree that Rule III Section 4.7 does not mention pay and that they are arguing for a very expansive application of the rule.

Commissioner Moore stated that the Commission wants to get NOPD there, but it does not want to do something that will reverberate across other departments.

Mr. Burkhart then again asserted that the City Council has the ability to supplement pay. Commissioner Craig asked Mr. Burkhart if he agreed on trying to get there, but that he disagreed with the city's interpretation of the Rule. Mr. Burkhart responded affirmatively. Commissioner Korn asked Mr. Burkhart how he proposed this get done. Mr. Burkhart responded by ordinance.

Mr. Montañó stated that the most important part of this is the elimination of the unclassified position and to move forward and not regress to the existing pay structure. Commissioner Richardson stated that the Commission did not want to regress. Commissioner Craig noted that the question is not what the Commission wants to do, but rather how it gets there. She then noted that the Rule looks like you can do part of it, but that there is nothing in the Rule about pay. Mr. Goforth stated that when you read Rule III Section 7.4 it is ambiguous. It says you can have a temporary appointment, but it does not say if you can have an appointment to the classified position or the unclassified position that is being eliminated. You can interpret the Rule to mean that you can continue the individuals in the unclassified position until the classified position can be filled. Commissioner Craig responded that the problem with that interpretation is that these Rules are required for classified positions, so it is likely that the Rule is about classified positions, not unclassified positions. Director Hudson noted that the Rule points back to Rule VI regarding filling classified vacancies. Director Hudson then stated she would like the continuation of the unclassified positions until this can be figured out. She then referenced Rule II Section 11.4 Compliance with Orders and stated she thought the Rule gave 45 days to comply with the orders. Mr. Burkhart stated the 45 days have passed because there was not a request for a stay pending the writ. Ms. Carroll stated that the 4th Circuit's order was stayed by operation of the Civil Code while the city sought writs. Mr. Burkhart disagreed. Ms. LeBeouf then reiterated the city's position that the Commission has the discretion to approve the city's request in full. She stated that the city wants to take immediate action to implement the order and to maintain leadership.

Commissioner Surprenant asked if the Commanders had maintained the same pay since the time the Supreme Court denied writs. Ms. LeBeouf responded affirmatively. Mr. Montañó noted there was a payroll coming up on Friday which makes this urgent. Commissioner Surprenant asked what will happen if the Commission takes the matter under advisement and no decision is made today. Mr. Montañó responded that he would have to dock up to \$20,000 in pay as of Friday. Superintendent Ferguson stated their pay will change and

the command structure will change also. Commissioner Craig asked why that would happen if they remain unclassified. Ms. LeBeouf responded that the department has worked to respond immediately to the Orazio order. At the last meeting there was discussion around the 21 days. In order to accomplish that, effective Friday, those who were previously Commanders would be returned to their classified position which will require pay cuts up to \$20,000 in some instances.

Mr. Burkart then noted that back pay should be awarded to the permanent Captains. Commissioner Craig stated that back pay is a separate issue. Ms. LeBeouf noted that Chief Ferguson's plan is to elevate the salaries of those who are currently in the Captain and Major positions to that of the provisional Captains if approved. Mr. Hessler noted that Article X Section 10 states that Civil Service is in charge of a uniform pay plan and that all persons in the same class are to be treated equally and that is the situation we are facing here.

Commissioner Korn asked Director Hudson why Rule III Section 7.4 does not allow individuals in temporary appointments to retain their salaries. Director Hudson responded that it is an unclassified salary and it has never been a part of the Pay Plan. When the Commission is not a part of setting the salary for the unclassified, we don't know what the basis was for setting that salary. Commissioner Korn asked what the harm is. Director Hudson responded it is because the Commission is supposed to maintain a uniform pay plan. Until we do the analysis of how it fits in the Pay Plan we don't know that it is the most appropriate salary. Mr. Montañó stated that the Commission has the ability to review it just based on reasonableness. He stated that both anecdotally and by the information provided by the unions, we are clearly in that range. We are not trying to go against what the market research would provide in the future. Director Hudson stated that they are asking the Commission to change the Captain's salary to something that is not necessarily uniform. You are breaking the relationship between Lieutenant and Captain and possibly between Captain and Major.

Ms. Carroll then provided information from the Louisiana Code of Civil Procedure to confirm that the Orazio decision was final on October 15th and not in the summer.

Commissioner Surprenant stated that the Commission understands everyone's position and that the Commission wants to get this right. He motioned that the Commission take the matter under advisement with the understanding of

the time limitation, the precedential effect, and other issues. Commissioner Richardson noted that the Commission would be working expediently toward a resolution and recommended that the city not alter pay.

Mr. Montañño stated that he wanted to be very clear that we are under a court order and that he will have to act under attorney's guidance on the pay issue as of this Friday relating to payroll. Commissioner Moore then seconded the motion. Mr. Montañño encouraged the Commission not to take this under advisement. Commissioner Richardson stated the Commission wants to do what is best for the officers and that the Commission would be working expediently. She recommended that the city not take any actions with pay. Mr. Montañño asked for a timeframe. Commissioner Craig responded that the Commission's goal is to have something prior to its next meeting on November 18th.

Michael Glasser, representing PANO, stated that they are in favor of the Superintendent's proposals. He noted that PANO had submitted petitions to the Commission in June asking the Commission for the same thing. There is a limited timeframe in which the court order has to be implemented. We want the same outcome. How we go about it is another matter. He stated he does not understand why the administration can't get the City Council to move a little faster. He stated he would like a commitment from the city to give and fund a Captains test. Funding has always been a problem. Ms. LeBeouf responded that they cannot make commitments as to what the City Council will do and when. They are independent of the administration. She reiterated that they are asking the Commission to exercise its discretion and act today. Mr. Glasser stated that PANO is with the City Attorney on this and would like to see the Commission make a decision on this.

Commissioner Craig stated that she wanted to be clear that the Commissioners want this to happen and they are trying to make sure it is done correctly under the Rules. The Commission is not kicking the can. Commissioner Surprenant clarified that taking something under advisement means the Commission is going to take the time to get this right. We understand the city is under the gun and that the Commission has an obligation to move on this.

Captain Joseph Waguespack asked Ms. LeBeouf if she could request a special Council meeting to resolve this. Ms. LeBeouf responded that they could ask, but she could not speak to what the Council will do.

Lieutenant Keith Joseph, representing the Black Organization of Police (BOP), stated that BOP agrees with the Superintendent's proposal, but it does not agree that it has to take a long time to give the Captain's exam. It should be done within the next four to six months. Fairness is for the whole department, not just the men and women here.

Commissioner Korn asked what other options the Commission had if it takes the matter under advisement.

Mr. Montañó stated he could make no guarantees as to what happens this Friday as a result of the indecision at the current moment. This prevents us from acting in accordance with our court order. Commissioner Craig responded that it is not indecision. Under advisement is not indecisive, it just means the Commission is being careful to get it right. She stated she was still confused as to why something would occur on Friday to prevent people from being paid as a result of this. Mr. Montañó stated that there is debate on when he has to act in accordance with the Pay Plan. The cleanest and quickest solution we hoped for was a solution today. He stated that absent a solution today, he could not guarantee or put the city on record specifically for any future decisions they will have to be cornered into at some level toward the end of the week.

Commissioner Moore stated that what the administration chooses to do is up to the administration. Mr. Montañó responded that there is a causal effect. Commissioner Moore stated that he does not like the idea of the Commission being held at knifepoint so to speak. We have all made it clear that our intention is to make sure that these men and women are whole. Mr. Montañó stated that he is in absolute disagreement with the way Commissioner Moore is portraying the whole dynamic of this. There is a reaction that will happen by the lack of action at the current meeting.

Commissioner Craig stated that we are all in agreement on the end result. The question is the how. She stated it is her goal to have something to you this week. No one intends to wait until the meeting on the 18th to get this done. She then explained that when the Commission takes a matter under advisement it issues an order; there is no additional discussion. Commissioner Surprenant stressed that the Commission would be making a decision. Ms. LeBeouf stated that the city was seeking an action from the Commission at the meeting. Commissioner Richardson stated that the Commission wants to

support the city in doing its job and asked for the administration to trust the Commission. She stressed that the Commission wants to do this the right way.

Mr. Glasser stated that he is confused about what happens on Friday with no decision. Mr. Goforth stated that the city's concern is that the Fourth Circuit essentially said that the position of Commander cannot exist and the Civil Service Rules do state that it has to take effect immediately. Our concern is that if the Commander positions no longer exist, by the end of that pay period, then essentially for the city to continue paying someone at that rate would be a prohibited donation.

The Commission then voted unanimously to take the matter under advisement. Commissioner Craig noted the need to move forward quickly and stated that the Commission would do so.

Item #2(a) under Classification and Compensation Matters was a request from Mubashir Maqbool to establish equitable pay between the classified and unclassified employees in the Project Delivery Unit of the Sewerage and Water Board. Mr. Maqbool, an employee at S&WB, stated that nearly 60 employees have been hired into unclassified positions in the Joint Infrastructure Road Recovery (JIR) and Project Delivery Unit (PDU) that are near the top of the pay range. A Construction Manager was hired at \$87,000. That is 178% more than its classified counterpart, Engineering Technician. The JIR team of 17 people only includes one licensed engineer, an Engineer Intern making \$105,000. There is no other Professional Engineer or Engineer Intern in the JIR. The unclassified system currently in place is paying a higher salary to less qualified people; classified employees have more responsibility and less pay. He provided an example of a classified Engineering Inspector who made \$38,000 and went to the PDU and now makes \$87,000 and a data entry person there that makes \$95,000. He stated that his counterpart in the PDU makes 45% more than him. He urged the Commission to look into these pay equity issues. Commissioner Craig stated the Commission would get the staff to see what we can do. Director Hudson stated that her staff has met with S&WB regarding their desire to convert some of the PDU positions to the classified service. They would like those folks not to lose pay as a result. S&WB has been asked to complete questionnaires. Staff would be looking at the classified pay plan to make those determinations.

Mr. Maqbool then stated that they are supposed to get performance based raises, but they had not received them for the last 2 to 3 years. Director

Hudson noted that it was based on funding. Mr. Maqbool stated that on one hand they cannot afford these increases but on the other they keep adding positions at the higher salaries. He noted a special project manager whose salary is \$180,000 who is rewriting the old policy rules. Stephanie Hennings stated that a lot of what was said has to be fact verified and a lot of it is subjective. Mr. Maqbool stated that he had provided substantiation. Commissioner Craig stated that we can commit to look into those things that are in the purview of the Commission. She stated she was not sure the Commission was the appropriate body for all of his concerns, but to the extent it can act, the Commission would do what it can to address them.

Item #2(b) was a request from Sonji Skipper, Utility Services Manager (USM), to appeal the Civil Service Extraordinary Qualifications Pay Determination. Robert Hagmann, Personnel Administrator over the Classification and Compensation Division, stated that staff had denied Ms. Skipper's request for extraordinary qualifications pay because she indicated she would accept the job at the minimum of the salary range, there were other qualified applicants who possessed similar years of experience, and the Commission compensates special certifications at 5% additional pay. Amy Trepagnier, Deputy Personnel Director, stated that the intent of the Rule is to award extraordinary qualifications pay upon someone being appointed into a new position like a new hire or promotion. Ms. Skipper has been in and out of the position; this is her third time in the position so staff sees this as a reappointment into the position, not an appointment into the position.

Ms. Skipper stated it is her third time being in the position. The previous two appointments were provisional because there was no eligible list. She stated if you look at Rule IV Section 2.7 someone being reappointed does not prevent them from requesting extraordinary pay. She referenced section "g" of the Rule which she stated requires a 60 day waiting period for you to reapply if you resign or are placed into a lower position. Ms. Skipper then stated that several different versions of the USM position have been created by Civil Service. She is in the Pension and Benefits position. The qualifications for the Pension and Benefits position far exceed those of the regular USM. She stated if you look at 2.7(b) that is the criteria for getting this pay. She noted that in regard to indicating she would take the position at the base pay, the Rule applies to the time of appointment, not the time of application. She applied in 2016, but was not

appointed until 2019. Since then, she had received her HR certification and gained several more years of experience.

Ms. Trepagnier stated that the Rule also requires that you make an assessment of the other applicants. We are looking at a snapshot in time, you are not going to go back to 15 applicants and ask them to update their experience and certifications; it is too administratively cumbersome. We look at what your qualifications were and compare them to the others on the eligible list at that time. Ms. Trepagnier noted that the Rule applies to the announcement under which you qualified, so it would not be appropriate to compare Ms. Skipper's qualifications to applicants who qualified under a different job announcement. Regarding the 60 day waiting period, that Rule actually requires that a person resign and not be employed by the city for 60 days, so there is a penalty for moving in and out of positions and being awarded a pay you had not previously earned. Ms. Skipper responded that she was not comparing her credentials to the basic USM position, she is basing that on the requirements of the HR, pension and benefits position. She believes her experience and credentials far exceed what is required for the position. Commissioner Moore asked would she be eligible for this pay if she was a new employee. Ms. Trepagnier responded that there are also other issues such as there is another person on the eligible list who has similar qualifications and marked that they would take the position at the minimum. Commissioner Richardson asked if S&WB supports Ms. Skipper's request. Ms. Skipper responded that they submitted a memo in support of the request. She noted that the pay had not been awarded to her because S&WB does not award the pay until it is approved by Civil Service. Ms. Skipper asked the Commission for its interpretation as to if the Rule applies at the time of application or the time of appointment. Shelly Stolp, Personnel Administrator over the Recruitment and Selection Division, stated part of the issue is that these are usually for entrance qualifications. If there are 100 people on the register it would require that staff go back and ask all 99 for updates; that is why we use the application. This Rule is modeled after the state's Rule. Ms. Trepagnier stated it sends a confusing message to the applicants if the departments are reaching out to them to ask them to update their applications with no intention of considering them for employment. There was then discussion regarding the next positions in Ms. Skipper's career ladder.

Commissioner Surprenant then motioned to deny Ms. Skipper's request. The motion was seconded by Commissioner Korn and approved unanimously.

Item #3(a) under Recruitment and Selection Matters was the approval of examination announcements. Commissioner Richardson moved to approve announcements 10223-10243. Commissioner Korn seconded the motion and it was approved unanimously.

Item #3(b) was the approval of the examination announcement for Fire District Chief. Director Hudson stated that staff had proposed a draft announcement with minimum qualifications that allowed approximately 70 Captains to sit for testing based on feedback from NOFD subject matter experts due to the four year gap in promotions to Fire Captain. The options were: use the March 2019 minimum qualifications, to return to the 2011 qualifications which would remove the ability to test from 70 employees, or to add an additional waiver for those without an Associates degree to sit for testing. In the last option, testing would be delayed to allow those additional candidate time to study. Director Hudson noted that staff had recommended option one and had the support of Fire Chief to do so.

Laura Klein, an Attorney representing Local 632 and District Chiefs Salvaggio, Hellmers, Poole, and Field who had just been promoted, asked if the Commission would waive the requirement for the four Chiefs to requalify or to take the exam if administration takes their appeal of the case under which the Chiefs were promoted to the Louisiana Supreme Court. They are official District Chiefs retroactive to 2016; they should not be burdened with the unnecessary task of reexamination to a promotion that has been entitled by judicial order. Director Hudson noted that if the judicial order is overturned then they would have no rights to the job class. The exam they took expired. Director Hudson stated if they fail the exam and the city loses the case they would still be in their positions. Aaron Mischler, representing the Firefighters Association, stated they are against having them test again. He asked to push back the test until the litigation is resolved. There are no current vacancies. Mr. Goforth stated that he doesn't know if that is true. Commissioner Craig stated the Commission needs more information relative to if there are vacancies. Director Hudson suggested adding the item to the Commission's December 18th agenda.

The Commission then returned to discussion regarding the minimum qualifications. Commissioner Moore stated that he is affected by this item, but that he can contribute comment and perspective. He noted that staff's position is to allow for people who have the degree, but not the time to sit for testing. By opening it up, you expand the pool and make more competition than there had been previously. He asked why this change is being made now. Director Hudson responded that we were told by the SME that there was a group of applicants who didn't get the opportunity due to the gap in promotion to Fire Captain due to the litigation. Commissioner Moore stated that most of those people would not have been allowed to test anyway. Ms. Stolp stated that there was a large gap, so there would be about 70 people who would only have three years of experience. Commissioner Moore stated that he cannot vote on the item, but it is a question of experience vs education, you have rationalized that education is more important than experience. He suggested letting everyone sit, but that you cannot be promoted until you have all the qualifications. If you do it for education but not time, that is experience over education. He stated he will recuse himself from taking the test. He stated he has to comment. Director Hudson stated that the experience is beyond your control, but everyone knows about the education requirement. Mr. Mischler asked for a deferment. He stated that Chief McConnell told him that allowing for the change was an oversight. Commissioner Moore stated it was fine as it was. Had it been left as it was, everyone was fine with it. Director Hudson suggested deferring the matter and getting something from Chief McConnell. Commissioner Richardson moved to defer the item. Commissioner Korn seconded the motion and it was approved by all except Commissioner Moore who abstained from the vote.

Item #4(a) under Rule Amendments was a proposed new rule relative to Equity Adjustments. Director Hudson asked for this item to be deferred.

Item #4(b) was the introduction of a rule amendment for Merit Increases. Director Hudson asked for this item to be deferred. Commissioner Surprenant moved for deferral of items 4a and 4b. The motion was seconded by Commissioner Korn and approved unanimously.

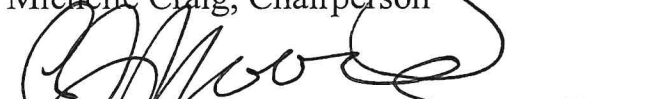
Item #5 was the ratification of Public Integrity Bureau (PIB) 60 Day Extension Requests. Commissioner Craig called for public comment. There being none, Commissioner Richardson moved for approval. The motion was seconded by Commissioner Moore and approved unanimously.

Item #6(a) under Communications was the Director's Report. Director Hudson stated she had nothing to report.

Item #6(b) was a report on ADP ongoing issues. Director Hudson stated she had nothing to report.


Commissioner Korn moved for adjournment at 1:57 p.m. The motion was seconded by Commissioner Moore and approved unanimously.



Michelle Craig, Chairperson

Clifton Moore, Jr., Vice Chairperson

Brittney Richardson, Commissioner

John Korn, Commissioner

Mark Surprenant, Commissioner