

CIVIL SERVICE COMMISSION  
REGULAR MONTHLY MEETING  
Monday, November 19, 2018

The regular monthly meeting of the City Civil Service Commission was held on Monday, November 19, 2018 at 1340 Poydras Street, Suite 900. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Chairperson Michelle Craig, Commissioner Clifton Moore, Jr., and Commissioner Brittney Richardson. Chairperson Craig convened the meeting at 10:09 a.m. Vice Chairperson Ronald McClain joined the meeting at 10:25 a.m. At 10:35 a.m. on motion of Commissioner Richardson and the second of Commissioner Moore, the Commission voted unanimously to go into executive session. Commissioner Caputo joined the meeting at 10:40 a.m. during executive session.

At 11:20 a.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

Item #1 was the minutes from the October 29, 2018 meeting. Commissioner McClain moved to approve the minutes. Commissioner Moore seconded the motion and it was approved unanimously.

Item #2 was a report on delegation of authority to the Sewerage and Water Board (S&WB). Brendan Greene, Executive Counsel for the Commission, recommended that the Commission direct him and the staff to meet with S&WB to develop metrics in terms of the success of the delegation of authority. He stated he anticipated making a presentation at the January Commission meeting with respect to goals and metrics to track what this process looks like and if it is successful. He proposed making quarterly reports to the Commission so that it could determine if delegation is successful by the end of 2019. Commissioner Craig then gave Mr. Greene and staff the directive to develop goals and metrics. Commissioner Moore asked how long delegation had been in place. Mr. Greene responded that it was not fully implemented until early to mid-2017 due to turnover at S&WB. He stated that the new administration at S&WB has asked to continue delegation to see if they can make it work.

Item #3 was the consolidation of the 311 Non-emergency Call Center with the Orleans Parish Communications District 911 Emergency Call Center.

Kimberly LaGrue, Director of ITI and Chief Information Officer, stated that they had been asked to come up with a consolidation plan for 911 and 311 operations because the Mayor sees this as efficiency in city government. All services would be transferred into the 911 facility. Extensive training would be given to the 311 team and they would be given the opportunity to move into 911. Commissioner McClain then asked if the 311 team would retain their Civil Service status. Ms. LaGrue responded that they would not. She stated that Civil Service has been notified by the CAO that the 311 series will be eliminated from the city's CAO IT personnel budget. All of the call takers will have the opportunity to become 911 agents. Commissioner Craig asked about the thought process with taking the employees out of civil service. Tyrell Morris, Executive Director of the Orleans Parish Communication District (OPCD), responded that OPCD is a political subdivision of the state, not the city. They are not under the authority of any civil service arm. As a requirement of the Cooperative Endeavor Agreement, the agency came up with a program called the Employee Protection and Conduct Policy. There are processes to appeal disciplinary actions and performance evaluations. Commissioner Moore asked which metrics are used to determine that this is an efficiency. Mr. Morris replied that calls are answered based on priority. The national standard for 911 calls is that they must be answered within 15 seconds 95% of the time. As of last month, they were trending at 98.9% of calls meeting that standard. Commissioner Moore then asked what additional training is required for the 311 Operators to answer 911 calls. Mr. Morris responded that the training for a new recruit is about 15 weeks. Five weeks in the classroom and ten weeks of training on the floor with a trainer. He does not anticipate these call takers need the fullness of the ten weeks.

Commissioner Caputo then asked how many people were being moved over. Personnel Director Lisa Hudson clarified that it was a layoff and not a transfer. Because it is a layoff process, the employees may have options on where to move depending on where the city has vacancies and if the employees have permanent status. S&WB is the only other department currently using 311 Operators. Fourteen people are being laid off. Mr. Morris stated that his board has authorized the hiring of all fourteen if they choose to come over.

Commissioner Caputo asked where the savings would be. Mr. Morris responded that OPCD is not funded by the city budget. Commissioner McClain asked how this consolidation is an efficiency. Mr. Morris

responded that the facility is open 24 hours a day 7 days a week so 311 will move from an 8 to 5 schedule to that schedule. Additionally, due to the facility, these individuals will not need to evacuate the city during an emergency, so services will not be interrupted. Commissioner McClain asked if there were long term cost savings anticipated. Mr. Morris responded not from the OPCD side. Ms. LaGrue stated that there is \$700,000 to \$900,000 in personnel savings that comes off of the city's books.

Commissioner Craig stated that there is some concern about combining emergency and non-emergency functions to answer the same calls. She asked Mr. Morris if in looking at other jurisdictions, there were places where it did not run smoothly. He stated that there is a contingency plan on how to respond to interruptions in service. Mr. Morris noted that in terms of efficiencies they are finding that there is a lot of duplication in the calls being received by 911 and 311. Ms. LaGrue stated that she thought only about half of the agents would choose to go over to 911. They are looking for placement in other city agencies. Commissioner Caputo asked if there were vacancies for those seven people. Director Hudson responded that staff was looking at that now, particularly at S&WB who has a call center. There may also be other places in city government. Their job classification may change, but their salary and benefits probably would not. Commissioner McClain asked how disciplinary appeals have worked since 911 was moved to OPCD and if there had been any attempt to assess the satisfaction of folks who had moved over. Mr. Morris stated that there had been a leadership change on August 9<sup>th</sup> but that efforts had been made to educate staff on processes and requirements. He noted that an eight person executive advisory committee had been assembled to create a direct line of contact between leadership and the employees. Since he had been there, no employee who was afforded an appeal had exercised that option. Commissioner McClain asked what percentage of employees who had moved over to 911 remain employed. Mr. Morris did not have that information, but he said most had remained. Commissioner McClain asked Mr. Morris if he had considered working with Civil Service staff to determine if there was a way for the employees to maintain their civil service status. Mr. Morris responded that he would not be open to having the same class of employees in the same space and having some with protection and some without it. Director Hudson asked about having them all protected. Mr. Morris responded that he liked the independence OPCD has. He stated that all of the civil service protections in terms of discipline

seem to remain in place, so he does not see the benefit it would give the employees or the agency.

Director Hudson stated she had some questions regarding the legality of accepting these employees to handle both emergency and non-emergency calls given the tax funding. Mr. Morris stated that OPCD currently accepts non-emergency calls. The enabling legislation from 1982 includes the non-emergency call taking process. He stated that their General Counsel had issued an opinion stating that they see no issue and that there is a separate statute that says that any political subdivision of the state can enter into a CEA with any governmental agency to provide any service. Director Hudson asked Mr. Morris if he would have an issue with her seeking an opinion from the Attorney General. Mr. Morris responded that he would not have an issue. Ms. LaGrue then stated that she would be bringing the questions and concerns of the 311 agents to Civil Service staff. Courtney Bagneris, Assistant Chief Administrative Officer, stated that the 311 employees who had not completed their working test periods would maintain their current status if they transferred to another department in the same job classification.

Jennifer Naquin, a 311 Operator, stated that she does not want to go to 911 and asked where she would be working on December 31<sup>st</sup>. Director Hudson explained that staff is working on where employees would be placed based on where there are vacancies. The employees will be notified of what is going to happen at least ten days in advance. Commissioner McClain stated that Director Hudson would be working hard to identify positions, but it is a layoff.

Lyneara McGee, a 311 Operator, then echoed Ms. Naquin's concerns regarding where 311 Operators who don't go to 911 will be employed.

Karen Howze, a 311 Operator, asked what jobs are considered to be in the same classification as a 311 Operator for purposes of reinstatement. She also asked if she applied for a job in a lower classification would she be compensated at her current salary. Director Hudson stated that during a layoff, staff has the ability to allow for demotions based on the classification(s) in which the employee previously had permanent status. Staff goes through the employee records to determine these classifications and makes arrangements with departments who have vacancies in these classifications. Staff will look through all of the options to find placement

for the 311 employees. Director Hudson noted that the official layoff date is December 28<sup>th</sup>, so staff has ten days before that to let the employees know what is going to happen.

Commissioner McClain asked if this move was being done for political purposes. Ms. LaGrue stated she could not answer that question. Mr. Morris stated that it was not. The Mayor has charged everyone with finding efficiencies to do their job better, cheaper and faster. This is an area of efficiency. Commissioner McClain asked if the challenge of 311 calls interrupting 911 calls had been considered. Mr. Morris responded that that system will not allow that to happen. The system knows what to prioritize. Commissioner Richardson asked if an assessment had been made regarding the availability of resources to take on the 311 staff. Mr. Morris responded that the assessment had been done. Commissioner Moore noted that as a Fire Captain in the field, he noticed a learning curve after the consolidation of 911. He asked Mr. Morris how he envisions a smoother operation in the future. Mr. Morris responded that OPCD is a well-oiled machine. There is a training staff of seven full-time staff members to help employees who have a deficiency correct their performance. All three agencies (Police, Fire and EMS) have a full time liaison at OPCD and that is what they do all day. A 311 Manager has been approved in the 2019 budget to monitor services. Robert Hagmann, Personnel Administrator over the Classification and Compensation Division, asked that if the current 311 Operators choose to go to other agencies under the layoff rule, they be allowed the opportunity to go to OPCD later during a two year window. Mr. Morris replied that he could not commit to holding a vacancy for two years. Director Hudson clarified that staff was not asking for a vacancy to be held, rather, if OPCD had a vacancy and a person was looking, that they would get preference for the vacancy for two years. Mr. Morris stated that in theory at a high level there is not an issue, but there may be some legal issues with changes in legislative requirements regarding 911 Operators.

Commissioner McClain stated that he did not believe that this was being done for political reasons, but rather for efficiency. He asked how long it would take to get the Attorney General's opinion and stated he is somewhat concerned about the legality piece. Mr. Greene responded that it depends on a variety of things, so he cannot give a ballpark figure. Mr. Greene noted that while the Commission has the right of approval or disapproval of the CEA based on whether the consolidation is for efficiency and economy or for political reasons, their action alone does not stop the efficacy of the

CEA. The Commission would have to seek injunctive relief in the Civil District Court in order to stop the consolidation of 311 and 911 from happening. Director Hudson clarified that the Commission is being asked to approve the CEA that would transfer the function of 311 to OPCD and agree that while it is displacing employees, it is not being done for political purposes. The question is if the Commission wants to grant its approval if there are still questions as to the legality of the amendment to the CEA. Commissioner Moore then moved to approve the CEA. Commissioner Richardson seconded the motion.

Erica Mercadal-Hayes, a 311 Manager, asked if it was found that the consolidation was not legal would agents who went to other city agencies have the right to come back. Director Hudson stated that if it was not legal then those people would have to go back to the city. Eric Melancon, Deputy Chief of Staff for NOPD, noted that he had been involved in the initial movement of 911 to OPCD. He stated at that time that there were a number of 911 employees who did not want to go to OPCD. The Civil Service staff did a great job of making sure there was a classified position for every single person when the consolidation occurred. Civil Service staff has already lived through that process and did it with 120 plus employees. Ms. LaGrue then stated that the Mayor has expressed her support and committed to assisting us with the placement of the agents.

The Commission then proceeded to vote on the motion on the floor. The motion was approved by Commissioners Craig, Richardson and Moore. Commissioners Caputo and McClain abstained from the vote. The motion was approved. Commissioner McClain explained that he had abstained from the vote because if the consolidation of 311 with 911 is not legal then there would not be an efficiency. Commissioner Caputo stated that he concurred with Commissioner McClain's explanation.

Item #4 (a) under Classification and Compensation Matters was a request from the Police Department for an unclassified Director of Communications. Commissioner Craig noted that this item had been before the Commission at its October meeting and there had been an extensive discussion. The Commission wants new information. Eric Melancon stated that this is a position that answers directly to the Superintendent. This person interacts with Deputy Chiefs and Commanders on pushing out the strategic message. This position has been granted at the Sewerage and Water Board as a direct report to the Director. Mr. Hagmann responded that it was already

understood that the position would report to the Superintendent. He stated that it was important to note that the work is professional and professionals align their values with the person they are representing. The position should be in the classified service. Director Hudson noted that staff had recommended a new classification and had leaned on information from other jurisdictions with classified positions in recommending the new classification. Commissioner McClain asked which criteria was not met in order to make this position eligible for an unclassified appointment. Mr. Hagmann responded that the responsibilities are appropriate for, and it can be done by, a classified employee. Commissioner Craig asked if Mr. Hagmann agreed that the duties were of a sensitive nature and had considerable discretion. Mr. Hagmann responded that in the public safety venue at any given time you are dealing with very sensitive information. Commissioner McClain stated that the Commission's staff has indicated that the position could be a classified position. Mr. Melancon stated that NOPD believes the position should not be part of the classified system because the duties are of a sensitive nature and the position is policy driven. There are other major jurisdictions including Baltimore, Chicago and Los Angeles who use unclassified positions to perform this job as well. Mr. Hagmann responded that in most departments it is under the direction of a commissioned police officer. Director Hudson stated that the position has to be accountable to the Mayor's Office for any policy. Mr. Melancon stated that the Mayor's Office approves of moving this position over and allowing for independent operation. He stated that this operation has been working for the department for several years. Director Hudson stated that you are rewarding circumvention of the system by saying it is okay because it has been going on for several years without going through the proper process. It could be done with other positions in other departments. They could assign classified work without approval and say well this person has been doing it. Mr. Hagmann stated that the request for an unclassified position had been denied by the Commission in 2012 and the Department put the position under contract. Director Hudson stated that at some point they decided to assign an unclassified person, but it was not done with approval of Civil Service. Mr. Melancon stated that NOPD is working to civilianize those positions that can be civilianized. In an effort to make things work, this person was given on loan from the Mayor's Office to support our operation. The intention has always been to clean up the position with the Commission. Director Hudson responded that you can civilianize the position without putting it in the unclassified service. Mr. Melancon responded that the concern with a classified position is whether or not the person is going to be

on the right political end, policy driven motivation of the Superintendent. He stated he would cite the precedent set by the Commission with the S&WB Director of Communications. The responsibilities in the Public Information Office that can be handled by classified employees are being handled by classified employees. Mr. Hagmann noted that the position that was approved for S&WB was a Deputy Director position. Director Hudson added that it was also authorized because the Mayor's Office of Communications has no jurisdiction over the S&WB and so they do operate independently. NOPD cannot operate independently from the Mayor's Office of Communications. Commissioner McClain stated that this arrangement has been happening for the last four years. Commissioner Caputo asked how do you prevent this from happening. Director Hudson said you can't. Staff does not know that a person has been assigned to do a certain kind of work until it comes up. When we do find out we try to look at the position and evaluate whether it belongs in the classified or unclassified service. Commissioner McClain suggested sending a communication out discouraging appointing authorities from making those moves without Civil Service input. Director Hudson stated that staff plans on doing an audit of unclassified positions to determine what they are actually doing. Commissioner McClain stated that the person was already unclassified in the Mayor's Office. We are now being asked to assign him to the Police Department. Commissioner McClain moved to approve the unclassified position, stating that the position had been there for a while. He noted he did understand the slippery slope of an appointing authority making an assignment without the approval of the formal process, but that it seems like in this case the person was loaned over there for four years. Director Hudson stated that it sounds like if they get away with it, then that makes it okay. Commissioner McClain stated that was a good point. He stated that he suspected that if the Commission says no then NOPD would keep it in the current situation and it is not as efficient when the person cannot do the functions of a supervisor. Commissioner Moore stated he thought the staff has done an excellent job of evaluating and digging through this really well. Commissioner McClain asked Mr. Melancon what is the problem with the classified alternative suggested by staff. Mr. Melancon replied that the position is sensitive in nature and it handles policy related activity that has to be in congruence with our appointed Superintendent.

Commissioner Caputo then seconded Commissioner McClain's motion to approve the unclassified position. Commissioner Craig offered an amendment to the motion that would require the sending out of



correspondence to make sure that this is not the way it should happen in the future. Commissioners McClain and Caputo accepted the amendment to the motion. Commissioner Moore stated that it sends a mixed message and it is a weak position coming from the Commission. Commissioner Craig stated that we do have a problem here because just because it has been happening for four years does not make it right, but the expectations need to be reset because now there is an expectation here right or wrong. Commissioner Craig stated that because we have a situation where this has been working for the Police Department, she does not want to rock that boat, but she wants to establish the expectation that going forward this is not how the Commission expects this to go. Commissioner Richardson asked if the Commission could approve the position contingent upon a review of the position a year from now. Commissioner McClain stated that he would be concerned about adding to staff's workload in terms of the requirement of the rule to audit unclassified positions. Director Hudson offered to add the item to the agenda next year. Commissioner McClain then re-urged the motion to include approval of the unclassified position, auditing of the position in one year and sending out a communication to appointing authorities to indicate that it is not the process or policy to make appointments and then subsequently come to get approval. Commissioners Craig, McClain, Caputo, and Richardson voted in favor of the motion. Commissioner Moore voted against the motion. The motion passed.

Item #4(b) was a request by the Parks and Parkways Human Resource Manager to appeal Hiring above the Minimum denial of Rule IV, Section 2.7(d) application relative to Extraordinary Qualifications Pay. Robert Hagmann recapped the issue since it had been heard at the previous meeting. He stated that the "me too" provision of the rule requires that the employee have equivalent qualifications to the employee who received additional pay via hiring above the minimum. In this case, a person with a Master's degree and a number of years of experience was hired above the minimum. Mr. Hagmann stated that Mr. Fuentes, the Human Resources Manager at Parks and Parkways, argued that while he does not have a Master's degree, his additional year of experience should be used to meet the "me too" criteria for hiring above the minimum. Mr. Hagmann cautioned that approving Mr. Fuentes' request would open a floodgate of changes because you are moving away from equivalency to comparable qualifications. He stated that if you solve this problem you create two others. Mr. Fuentes will be making more than a person at Parkways who is at a higher level. Director Hudson explained that for staff, it was the technicality that the person Mr. Fuentes is

claiming to be equivalent to has 12 years of experience and an MBA. Mr. Fuentes has 13 years of experience and no MBA. We usually equate an MBA to two years.

Ms. Ann MacDonald, the Director of Parks and Parkways, stated that she thinks it is important to note the high volume of transactions handled by Parks and Parkways. She noted that Mr. Fuentes had assumed a leadership role following Hurricane Katrina and helped to build the department back up. Ms. MacDonald then went on to note the duties and responsibilities Mr. Fuentes performs. She noted that the experience of the employee with 12 years of experience in the private sector is not comparable to the work performed by Mr. Fuentes. She stated she was concerned that internal experience was given less value. Commissioner McClain asked Ms. MacDonald how we overcome the position that Mr. Fuentes' experience is not comparable to the MBA. Mr. Fuentes then asked why a Master's degree is comparable to two years of experience. Mr. Hagmann stated that Mr. Fuentes' concerns are the same as those noted by staff when the Commission approved the rule. This rule creates a uniformity issue that is rearing its ugly head. Staff will be proposing some rule amendments to provide clarification. Mr. Fuentes then stated he had come across a job announcement for Health Project and Planning Senior Analyst that required a Bachelor's degree and two years of experience. A Juris Doctorate or Master's degree can be substituted for one year of experience. Commissioner McClain asked if at one point we considered a JD to be comparable to one year, than why would we have an MBA comparable to two years. Mr. Hagmann stated that you would have to look at the essential functions on a case by case basis when setting the minimum qualifications. Commissioner McClain stated he thinks this is a legitimate comparison. You are taking a Juris Doctorate that takes three or four years to get and saying only one year of experience. Mr. Fuentes has relevant experience and the only difference is that you are counting an MBA as two years of experience. Even at two years, it is only one year less. Director Hudson stated that the announcement only has two years of required experience so if you gave two years for the Masters it would have required no experience, so we just allowed for one year of substitution. When the position requires at least five years of experience, we require the MBA to count for two years. Mr. Hagmann stated that is a recruitment issue. The rule we are dealing with states that it has to be equivalent, not comparable. You will be opening the floodgates.

Courtney Bagneris stated that Mr. Fuentes' specialized experience within city government is so close to that of a person just entering City government, it is only one year different. The spirit of this rule is to make sure that employees are not disparaged for giving more credit to people who have a higher level of education who are coming from the private sector who would bring some help to the city. This part of the rule is supposed to help employees. This is so close and Mr. Fuentes deserves it. The rule probably does need to be tweaked. Director Hudson noted that it is still precedent setting. Commissioner McClain noted that there is not clarity regarding what the process is. He noted he was encouraged that the Appointing Authority and CAO were before the Commission in support of the request. Commissioner McClain then moved for approval. Commissioner Moore seconded the motion. Director Hudson stated that the issue is that under the "me too" clause, what is equivalent is hard to show. There is no rule change that staff is proposing that would take care of what it means to be the same or equivalent. Commissioner McClain stated then that would mean that we would have to decide on a case by case basis. He stated he thought that the rule could be made clearer than it is now. Director Hudson stated that equivalency is tough. You are not going to get exactly, so you have to figure out where to lean. Commissioner Moore stated that while he did not want to open the floodgates and overburden the Commission, it seems that there is a right way to go on this. Director Hudson said she thinks there is enough support here to count one year for the MBA, but there is an issue with giving different or more credit for inside city experience versus external experience. Commissioner McClain stated that he can see why experience on the job would be quite relevant. Director Hudson that it then goes to the quality and quantity of the experience, when you are doing this you can't get into the details. Commissioner McClain responded that is why it makes a difference to him if the appointing authority comes and makes the recommendation. Director Hudson stated that she did not see how the appointing authority makes a difference. When we are evaluating the "me too" clause we cannot go to the department to determine if the department likes the person or not. Commissioner McClain stated that it was his understanding that the request was being made to the Commission to approve it. Commissioner Craig asked if this request would be retroactive. Director Hudson confirmed that it would be retroactive to the date the first person was hired. Commissioners McClain, Richardson and Moore voted to approve the motion. Commissioner Caputo opposed the motion and Commissioner Craig abstained from the vote, stating she sees the issue as it relates to civil service. The motion passed.

Item #4(c) was a request from Ashlei Morrison to retroactively apply Rule IV, Section 2.7 (d) relative to Extraordinary Qualifications pay for her position as the NORDC Public Outreach and Communications Coordinator. Mr. Hagmann stated that Ms. Morrison is requesting a retroactive pay adjustment because employees in the lower level classification of Marketing Development Coordinator were able to be appointed at 25% above the minimum. This is an equity issue where people in a lower level class are making 17.5% more than she is. Mr. Hagmann then noted that the request does not meet the requirements of the rule because the rule requires that the person be in the same job classification in order to apply the "me too" clause. The pay being requested, \$70,000, would be above that of those in the Marketing Development Coordinator job classification who were hired at \$65,000. Ms. Morrison has less experience than the other Marketing Development Coordinators. We have person requesting equity relief because we have people in a lower job classification making more because of the application of the rule. You will have the same thing at Parks and Parkways; the person acting as the Deputy Director will be making less than Erdwin Fuentes for that time period.

Ms. Morrison stated that she is the only employee in the city in this job classification, so there is no one else to compare her qualifications to. She noted that her counterpart who was granted hiring above the minimum works in the same office and they work hand in hand. She stated that they share the same role and responsibilities, but her own position is higher because she works directly with the Mayor's Communications team and she is an essential employee in emergency situations. She asked how the rule is equitable for her if she is the only employee in this classification. She stated that there is no one to come into her classification with extraordinary qualifications in order to get her retroactive extraordinary qualifications pay. Ms. Morrison stated that she exceeds the minimum qualifications for her position with a Master's degree and over ten years of experience. She stated that at the time she was hired, the executives over NORDC were not in the practice of using hiring above the minimum. She stated she does not currently have a supervisor because NORDC is transitioning, but when she submitted her request in September, her supervisor was in favor of it. Commissioner McClain asked what about the interim NORDC Director. Ms. Morrison responded that she did not go to the interim Director, rather the COO and she was 100% behind her. Commissioner McClain asked if she had any indication of the COO's support. Ms. Morrison responded that

she could get it. Director Hudson noted that the rule says that it has to be in the same job classification so it does not meet that part of the rule. Additionally, staff found that experience was not equivalent, because most of her experience was not professional because it was received before she earned her Bachelor's degree. It would not meet that part of the rule either. Director Hudson further noted that granting the request would pay Ms. Morrison more money than the person who was granted extraordinary qualifications pay under the "me too" clause. There is definitely an equity issue here because she is making less than a person in a lower job classification. Commissioner McClain asked if there was another rule that would address this issue. Director Hudson responded not one that wouldn't set precedent. Director Hudson stated it is tough one, but she does not meet the test of the rule. Commissioner Caputo stated that this is yet another reason to address the rule and put together a matrix that is very clear for everyone to follow. Director Hudson clarified that none of the changes staff is currently proposing would affect the "me too" provision of the rule. Commissioner Moore stated he would like to hear from the NORDC supervisor Ms. Morrison says was in support of her request to get her perspective. He suggested deferring the item until Ms. Morrison could return with that person. Ms. Morrison agreed to do so. Commissioner Richardson motioned to defer the item to the next meeting. The motion was seconded by Commissioner Moore and approved unanimously.

Item #4(d) was a request from the Department of Property Management for reconsideration of Extraordinary Qualifications for a Real Estate Manager candidate. Robert Hagmann stated that at the last Commission meeting, staff explained why Property Management's request for extraordinary qualifications pay for Ms. Jennifer Kreschmann's appointment to Real Estate Manager was not in keeping with the requirements of the rules. At that time, the Commission did not take an action and took the matter under advisement. Stephanie Landry, representing the Department of Property Management, stated that Property Management had later corrected the issues identified by staff and that Ms. Kreschmann is the superior candidate. She will not take the position at the base salary. Commissioner Craig stated that she was hoping that Martha Griset, interim Director of Property Management, would be in attendance. She stated that Ms. Griset was previously Ms. Kreschmann's business partner and that the Commission was not informed of that by Ms. Griset at the last meeting. Ms. Landry stated that Ms. Kreschmann noted that information on her application. Director Hudson stated that staff's issue

was procedural. Staff had rejected the request and then Property Management had tried to go back and correct the deficiency. Property Management had used the interview process for suggesting that the person had extraordinary qualifications, but had not interviewed the other candidate. After staff rejected the request, Property Management went back and interviewed other candidates. Commissioner McClain stated that there is value in the department hiring the best person to do the job, but noted that he was concerned about the lack of transparency related to a prior relationship that could have influenced the decision to make the request. Ms. Landry noted that Ms. Griset had recused herself from the interview process due the previous relationship. Commissioner Richardson noted that Ms. Griset still makes the final hiring decision. Ms. Landry confirmed that Ms. Griset makes the decision on extraordinary qualifications pay. Director Hudson stated that extraordinary qualifications pay could not be awarded because there is similarly qualified candidate in the applicant pool. Commissioner Moore motioned to deny the request. Commissioner Richardson seconded the motion and it was approved by Commissioners Moore, Richardson, Craig and Caputo. Commissioner McClain abstained from voting. The motion to deny the request was approved.

Item #4(e) was a report on overtime earnings relative to Rule IV, Section 9.7 (a). Robert Hagmann stated that the Civil Service Rules require advanced approval if an employee is expected to exceed the overtime threshold. Staff had sent a memo to departments requesting this information. He stated that some departments had responded and that staff was waiting on a response from others. He further noted that staff was working with the Chief Administrative Office to analyze the information and would be presenting it at the next meeting. He stated there was a 50% reduction in employees who exceeded the threshold from last year. Commissioner McClain asked if this included Sewerage and Water Board staff. Mr. Hagmann responded that the report he receives does not include S&WB.

Item #4(f) was a request from Mubashir Maqbool to address the appointment and qualifications of the Senior Engineering Division Manager heading the Networks Division of the Sewerage and Water Board. This item was deferred because Mr. Maqbool was not in attendance. Director Hudson noted that Mr. Maqbool had made a formal request and this item had been scheduled to be heard before a hearing examiner.

Item #5(a) under Recruitment and Selection Matters was the approval of examination announcements 1005 to 1027. Commissioner McClain moved to approve the examination announcements. The motion was seconded by Commissioner Moore and approved unanimously.

Item #6 (a) under Rule Amendments was amendments to Rule XI relative to Performance Evaluations. Director Hudson noted that this is the introduction of these rule changes and the proposed changes would be sent out to every department head and human resources person for review. She stated that the proposed changes to the rule updates terminology to be consistent with online forms, chronically organizes the process, clarifies requirements for supervisors, clarifies the requirements of the appeals process for a rating of does not meet expectations, and updates the number of rating categories in Rule XII to be consistent with Rule XI.

Item #6 (b) was an amendment to Rule IV relative to prescriptive periods for back pay claims. Mr. Hagmann stated that the proposed rule would set a prescriptive period of three years for back pay in order to be consistent with the law contained in the Louisiana Civil Code and the courts. He noted that this rule change would not affect disciplinary appeals.

Item #6 (c) was an amendment to Rule IV, Section 7 relative to Hiring Above the Minimum. Mr. Hagmann stated that the proposed changes included changing title of the rule, restructuring the rule, and providing a matrix to match external pay with internal pay for qualifications. The amendment also removes revocation, requires departments to submit a policy prior to using the rule, and adds a provision that states that applicants who indicate their willingness to accept the position at the minimum rate pay at the time of application will not be eligible for the increase in pay. Commissioner Richardson asked is there is a form or checklist. Director Hudson responded that there is a form. Mr. Hagmann stated that the form asks specific questions. Mr. Greene stated that there are examples out there of policies from other jurisdictions that require departments to lay things out on the front end. Adjusting this rule should help cut down on what comes before the Commission. He noted that the appointing authorities will want to provide feedback on these proposed changes. Commissioner Richardson asked if the “me too” issue is a separate thing to focus on. Director Hudson responded affirmatively, stating that it is separate.

Item #6 (d) was an amendment of Rule V, Section 9.3(c) relative to post-employment drug testing. Director Hudson stated that staff is asking to strike out the requirement for a post-employment substance screening during the probationary or working test period. The city will no longer be drug testing employees who are probationary who are not safety or security sensitive. She noted that for this item staff was asking for immediate adoption of the rule changes. Mr. Greene stated that there is a 1989 Supreme Court case that found that there is no special need for non-security or safety sensitive positions to be tested during the probationary period. Commissioner Caputo moved for approval. Commissioner Moore seconded the motion and it was approved unanimously.

Item #7 was the ratification of Public Integrity Bureau (PIB) 60 Day Extension Requests. Commissioner Craig called for public comment. There being none, Commissioner McClain motioned to approve the request. Commissioner Moore seconded the motion and it was approved unanimously.

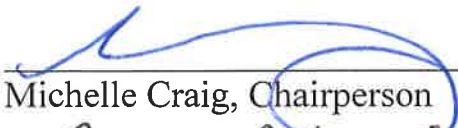
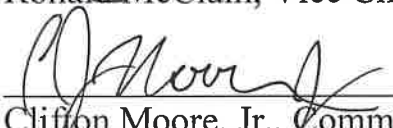
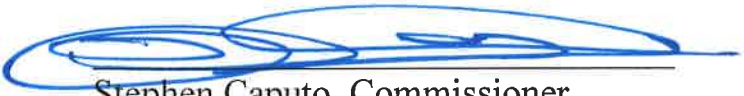
Item #8 (a) under Communications was a report on the status of the Pay Disparity Study. Director Hudson reported that staff is working on an amendment to the SSA contract and is planning on meeting with stakeholders next month.

Item #8 (b) was a report on ADP ongoing issues. Mr. Hagmann stated that staff is working with Finance to implement pay increases and working with Finance relative to closeout of ADP processes.

Item #8 (c) was a report on the Civil Service Budget and Staffing. Director Hudson reported that staff had given the department's budget presentation and was hoping to hear back by December 1<sup>st</sup>. It looks like the administration is supportive of moving Neogov money from ITI to Civil Service. It appears that the budget also includes one additional person for the Classification and Compensation Division. Director Hudson stated she would like to purchase cubicles for the recruitment staff since there are twelve employees in one area. The cost is \$26,000. She noted there is a surplus to afford it in this year and that it would be a great morale booster for the employees. Commissioner McClain moved for approval to purchase the cubicles. Commissioner Caputo seconded the motion and it was approved by all. Director Hudson also reported the recent hiring of a psychometrician.



Commissioner Moore moved for adjournment at 1:34 p.m. The motion was seconded by Commissioner McClain and approved unanimously.

  
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Michelle Craig, Chairperson  
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Ronald McClain, Vice Chairperson  
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Clifton Moore, Jr., Commissioner  
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Brittney Richardson, Commissioner  
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Stephen Caputo, Commissioner