

CIVIL SERVICE COMMISSION  
REGULAR MONTHLY MEETING  
Monday, May 15, 2017

The regular monthly meeting of the City Civil Service Commission was held on Monday, May 15, 2017 at 1340 Poydras Street, Suite 964. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Chairperson Michelle Craig, Vice Chairperson Ronald McClain and Commissioner Stephen Caputo representing a quorum. Chairperson Craig convened the meeting at 10:03 a.m. At 10:17 a.m. on motion of Commissioner Craig and second of Commissioner McClain, the Commission voted unanimously to go into executive session. Commissioner Tania Tetlow joined the meeting during executive session.

At 12:30 p.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

Commissioner McClain motioned that the Commission accept the recommendation of the evaluator in reference to the review of the performance of the Personnel Director. Commissioner Tetlow seconded the motion and it was approved unanimously

Item #1 was the minutes from the April 24, 2017 meeting. Commissioner Tetlow moved to approve the minutes. Commissioner Caputo seconded the motion and it was approved unanimously.

Item #2 was the consideration of the Commission's April 10, 2017 approval of sixteen unclassified Commander positions within the New Orleans Police Department and a requirement that the Civil Service Department complete an audit of the Commander positions by May 2018 and impact of NOPD's request for unclassified positions on the Order from the Louisiana Court of Appeals for the Fourth Circuit in *Orazio et al. v. City of New Orleans, et al.*, 2012-0423 (La. App. 4 Cir. 1/16/13, 3), 108 So. 3d 284. Brendan Greene, the Commission's Special Counsel, stated that during its April 10, 2017 special meeting, after hearing several hours of comments and presentations regarding the Commander position, the Commission added an executive session to its agenda regarding the impact the request had on the Commission's litigation strategy and the Fourth Circuit's remand order in the Orazio matter. He further stated that the Commission recognizes that the plaintiffs in this case are an important side of this dispute and want to give them another opportunity

to address the Commission with their concerns regarding the remand order from the 4<sup>th</sup> Circuit. He stated the Commission wants to hear from the plaintiffs on what they envision the next steps to be in respect to the remand order.

Michael Glasser, representing the Police Association of New Orleans (PANO), stated that with all the arguments the Commission heard there was never any material evidence that would suggest that this is a good idea. All of the evidence suggests that it is not in concert with the existing Civil Service Rules, it is not in the best interest of the Police Department, and it is not consistent with the report compiled by staff. He further stated that there is no evidence to suggest that Captains and Majors as they currently exist cannot do this job. Civil Service rules state that if an existing classified position can do this job you cannot create a new unclassified job. The same arguments presented in 2010 hold true today, the only difference is now we have demonstrated that it doesn't work. We have presented statistics to show that operationally the Police Department is not successful. He noted that Lieutenants are going to file suit for a Captains test because they recognize that they have no future. Ranking officers are leaving this police department. Attrition is an issue. The Commission should look at who is leaving and why they are leaving including what percentage of the people who have left have been hired in the past three years. The Commission should look at what was presented here and at the legal issues and they will find that this should not be an unclassified position.

Peter Hansche, representing PANO, stated that a competitive system for promotions is the best and safest way to demonstrate that we are non-discriminatory in our hiring practices and the best way to demonstrate that we are doing what we can to promote the best qualified people. Without the Civil Service group who designs these tests, it could be whimsy that gets people promoted. It undermines the ability of these people in command positions to do what they think is morally and legally right when they have to wash it through what they think the Superintendent and Mayor want.

Eric Hessler, representing PANO, stated that PANO has been before the Commission many times and had been ignored. He stated that this has been ongoing for six years and no one here can claim it a success. It is clearly not working. The only beneficial thing the department has incorrectly pointed out is that the Superintendent has the ability to remove and replace. However, it was pointed out by staff that you can do that anyway, but the difference is that

you have to justify it. The justification is transparent and it ensures fairness. This has destroyed morale amongst persons seeking rank and it will continue to do so. This has failed. There are ways that this should be, could be and actually was a classified position. It is time that this is ended.

Raymond Burkart Jr., a Police Major, stated he was confused about what was being considered because he thought the Commission had already approved the unclassified position. He stated he was still awaiting the written decision so he could make the proper appeal. He further stated that what is being done is unconstitutional. It is a way around the merit exam. There has not been a change of the Constitution that gives the Mayor the power to appoint whomever he wants. He noted that three times the administration has tried to change this position. With Colonel, the staff and some of the Commissioners said no. They then tried to make it a special rate of pay. Again, it is unconstitutional because there are two existing positions, Captain and Major. He stated he wanted to incorporate and introduce into this hearing all the proceedings that occurred at the April 10<sup>th</sup> Special Hearing, as well as, the minutes and what is going on here so that we can take an appeal. He stated he does not think this Commission will ever do justice to the men and women on the Police Department and then down the line to the Fire Department. He stated let's have a court, an independent body who is not politically influenced, make the decision. The Commission has a fiduciary duty that isn't being carried out here. The Mayor should not be making a phone call telling you guys how to vote, nor should you worry about what he is saying. You should not have administrative hearings and call them executive session. He urged the Commission to just do the right thing. He stated that in 2015, you all were going to give a Captain's exam. He asked why a Captains exam could not be given. He stated that there is no explanation. He was told it would cost \$10,000. \$10,000 to give these people hope and keep them on the job. He stated he wanted to incorporate as part of his presentation everything that occurred in that proceeding, everything that occurred in that meeting, along with the crime stats that nobody looked at along with the transcript that he had been told by the Commission's attorney is in the process of being prepared into this hearing.

Donovan Livaccari, representing the Fraternal Order of Police, stated that ten years ago he worked as patrolmen at NOPD. Chief Pennington decided that NOPD should pursue CALEA accreditation in order to avoid a consent decree. He stated that we spent more time trying to get around CALEA's standards than we spent trying to comply with CALEA's standards. The same

thing is occurring today. We have the Constitution, Civil Service Rules and the Consent Decree and the Police Department spends more time trying to get around these rules than they do trying to comply with them. We have the Great Place to Work rule changes in regard to promotions. Almost everybody has been promoted off of the Sergeant and Lieutenant lists, but they were promoted in some crazy nonsensical order that didn't have anything to do with competition. They have created a situation where it makes Commander impossible to maintain in its current form and then they come to the Commission and try to change it to something that does not fit with the philosophy behind Civil Service. This Mayor has been chipping away at the Civil Service system for seven years. The first attempt was in 2010 and eventually he replaced enough Commissioners to implement these broad changes, which have had a significant impact on morale and the ability of NOPD to retain employees. He stated that he speaks with policemen every day and they are not happy about the current situation.

Brendan Greene, the Commission's Special Council, stated that with regard to the manpower and attrition issues, the classification and compensation study will look at attrition issues. The Association has been invited to discuss recruitment and retention issues with the contractor.

Alexandra Norton, representing the Chief Administrative Office, stated that turnover and retention is very important. She stated that the City wants to look at when and where we are losing officers and that will inform where we make changes in pay and opportunities for advancement. People don't necessarily want to give negative feedback in exit interviews. So far, what we have found is that they are leaving for other careers in law enforcement. Commissioner McClain asked if the report includes issues that might have impacted them on the job here. Ms. Norton responded that we haven't done a survey of what would make them stay. She stated she didn't see any reason why that can't be part of the workshops that the consultants do. Director Hudson stated that she was not sure if that was mentioned specifically in the contract. Ms. Norton replied that what they did commit to doing was meeting with all of the departments and stakeholders about their specific issues. Director Hudson questioned if a retention study was part of that. Ms. Norton responded that she believed that it fits within it. She continued by saying that the contractor is looking at turnover data. That would fall in there. They have offered to the advisory committee to meet with anyone. Commissioner Caputo asked when this will take place. Ms. Norton stated that it had already started. Commissioner Caputo asked when it would be completed. Ms. Norton

responded that the final report would be completed in October and that we will get information as we are going along prior to that. The information will be taken back to unions, managers and employees.

Mr. Burkhart stated that it used to be that anytime a Police Officer left he filled out a form as to why they left. Director Hudson stated that the form still exists, but you would have to check with Police Personnel to see if they still do it. Ms. Norton responded that NOPD still does it, but not everyone completes it and not everyone completes it fully.

Commissioner Craig stated that the goal of this agenda item was to give everyone an opportunity to be heard. The Commission knows that there was some serious contention about the decision made by the Commission. The Commission is here to do what we think is in the best interest of the Civil Service employees. Some of the statements made bordered on impinging on the integrity of the Commission by suggesting some things that are not true. This Commission takes exception to that. There is nothing we are doing that is outside the bounds of the Commission. We have listened to everyone and we are doing and will continue to do what we believe is in the best interest of the Civil Service employees. She stated she realizes that this is a hot button issue. There is no situation in which we use an executive session as an administrative hearing. We have given everyone an opportunity to speak, we weighed that and made a decision that we thought was in the best interest of all parties involved. We will continue to do that now and in the future.

Commissioner Tetlow stated that the Commission did not discuss the decision on that vote in Executive Session. The Commission knows it is not permitted to do so and it was not done.

Commissioner McClain stated that if there are concerns about that session he would move that the Commission ratify the decisions made on April 10<sup>th</sup> after again hearing from the stakeholders recognizing that we are going to revisit it ultimately. Commissioner Tetlow seconded the motion. Commissioner Craig called for public comment.

Raymond Burkart questioned if the decision would be issued in writing in a certain time. Director Hudson stated that she thought Mr. Burkhart meant the minutes and that staff was still working on their completion.



Amy Trepagnier, Deputy Director, noted that the Commission would have the minutes for the April 10<sup>th</sup> and May 15<sup>th</sup> meeting prior to the June meeting. Commissioner Tetlow noted that they would be voted on and made official at the June meeting.

Mr. Burkhart noted that when a writ is taken to the 4<sup>th</sup> Circuit, they give you 30 days from the time the Commission ratifies something. He stated he would like cooperation so that we can get finality on this.

Brendan Greene stated he could circulate a minute entry with respect to this agenda item that contains the Commission's action with respect to the ratification to allow the plaintiffs to take whatever action they feel is appropriate.

The motion on the floor was then approved unanimously.

Item #3 was a report on Civil Service Customer Service Initiatives and Improvements. Director Hudson stated that the Civil Service Department is currently working on nineteen initiatives to improve customer service. Shelly Stolp, Personnel Administrator over the Recruitment and Selection Division, gave a report on the seven initiatives related to the Recruitment Division. She noted that a transparent online requisition process has replaced a hand delivered paper process. This allows management to track appointment forms and view approvals in real-time. She reported that 1,345 requisitions had been submitted through the new system in its first four months. There is an average of 2.89 days from requisition approval to certification of an eligible list. This process saves time and increases accountability and efficiency by allowing for tracking of approvals. Ms. Stolp further reported that the second initiative was the use of the Neogov Online Hiring Center. Departments can now access electronic eligible lists that include candidate information such as applications and resumes electronically. The system also allows human resource managers to schedule interviews, make job offers and reject candidates electronically through the system. The third improvement is that job postings are now driven by requisition only to improve response times. Formerly, the department had been using its limited resources to recruit for positions that did not have true vacancies. Year to date, 206 job postings have opened in Neogov with 166 new hires. Ms. Stolp stated that under initiative number four, the Recruitment Division was reorganized under a customer service model. Civil Service Analysts are now Human Resources Recruitment Consultants. Every department gets its own consultant to handle all related

personnel and staffing matters. In phase I, the Consultants received their departmental assignments and job posting responsibilities. In phase II, the consultants will be assigned certification responsibilities. Formerly, only one person issued certifications. The Consultants will receive the requisition, post the position, screen applicants, tests and certify. Initiative #5 is allowing Departmental Human Resources Officers to verify educational credentials. Prior to this change Civil Service verified the credentials of everyone it placed on the eligible list. This delayed the process. Now, the end department verifies the credential of the one person it selects from the list. This saves three to four weeks in the process. Initiative #6 was a proposed change to make all probationary periods one year in order to eliminate the need for probationary period extension requests. Presently some probationary periods are six months and some are a year. She reported that this proposed change was not approved. Ms. Stolp reported that initiative number seven is walk in testing. This improvement was proposed to improve efficiency. Currently, walk in testing is available for Police Recruit applicants. However, this test is conducted in the old break room of another department. Staff would like to offer walk in testing for all Civil Service tests and ultimately digitize all tests. As a transition, if funded, staff is proposing the administration of several of the most popular exams by paper and pencil on a walk in basis. This would be conveyed to the public online through the job postings.

Robert Hagmann, Personnel Administrator over the Classification and Compensation Division, presented the initiatives related to that Division. He noted that his division had implemented the Advantis WorkflowGen solution in order to convert former paper processes to automated systems for job studies and temporary pay requests. He stated that staff is currently working on converting paper ADP correction forms to this automated system. Secondly, Mr. Hagmann noted that staff was working with the Administration on the new market based comprehensive pay plan. The new pay plan will reduce the number of job study and hiring rate requests by hopefully reflecting market rates and market practices. The next initiative is a monthly training program for Human Resource representatives that covers key topics in Human Resources and Civil Service processes. The goal is to improve communication between Civil Service staff and departmental Human Resources representatives. Three sessions have already been held. Additionally Human Resources courses, for example ADP Enterprise training with instructors from other departments have also been added. Finally, an annual work force plan was requested from each department which included staffing needs and organizational plans and recruitment and retention

challenges. Seventeen departments completed the form. Staff met with departments who had immediate issues.

Mr. Hagmann went on to present information on several other initiatives including the implementation of a new online performance appraisal system and related training on its use. One initiative is regular reports on the appeals process in order to encourage all participants to stay within the required timelines. He noted that there is a significant backlog staff is working through. Related to solving that issue was the fifteenth initiative which included an RFQ for hearing examiners. Staff is currently working on contracts with two entities to serve as hearing examiners. The sixteenth initiative was to institute customer service comment cards in order to receive direct and immediate feedback from visitors to the department. Commissioner McClain asked how often staff will report on the feedback. Mr. Hagmann noted that the comments have been very positive. Director Hudson stated that the comment cards are reviewed every two months and that 42 cards, all very positive, had been submitted to date. She noted that Tia Harrison in the Employee Relations Division had been producing reports on the results. Mr. Hagmann stated that the next initiative was customer service training for Civil Service staff. Staff had attended training on Human Relations and Effective People Skills held by Employee Growth and Development instructors. Director Hudson noted that staff would like more training in that area, but the department has not been funded for it. She noted that some staff would be volunteering at the upcoming Society for Human Resource Management (SHRM) conference in order to receive free attendance. Mr. Hagmann noted that the information about SHRM had also been shared with other departmental HR officers. He went on to say that the 18<sup>th</sup> initiative is a customer service survey to determine if departments are satisfied with the level of service provided. This information will be used to target areas for continuous performance improvement. Mr. Hagmann noted that the final initiative is to create a new course on the Civil Service system and processes to help learners understand the function of each division. Director Hudson noted that other improvements include moving from a paper job posting board to an electronic board. She also noted that the Police Sergeant exam would be administered in July and that NOPD had requested a Lieutenant's exam before the end of the year. She stated that staff was putting the numbers together on what funding is needed to do so internally or contacting that test out.

Commissioner Tetlow stated that all of this is amazing. She gave congratulations to the staff. She stated that it is specific, demonstrable



progress in both making everything more efficient and proving that by keeping more data and being able to identify at a moment's notice how long something is taking. She asked if staff would write up the information detailing the initiatives for the Commission to send out more broadly in order to spread the word about how much progress has been made. Commissioner McClain also noted it was a good job. Shelly Stolp and Director Hudson commended staff on learning new systems and processes in a very short period of time.

Commissioner Craig stated that staff has taken the things the Commission has said and figured out ways to make major improvements. We appreciate your continued work and that you hear us and are responsive. We encourage you to bring the things to the Commission that the Commission needs to do to help you. Director Hudson agreed and said that having the resources in terms of staffing and new technology is what has made the difference. Commissioner Tetlow stated that all of this helps in our argument to push for those resources when it makes it clear that you are doing everything you can to squeeze efficiencies from what you have.

Item #4 was a report on delegation of authority to the Sewerage and Water Board (S&WB). Brendan Greene, stated that at last month's meeting he had noted that there were three S&WB employees who had been fully trained in delegated authority and it was time for staff to turn to its auditing role. In the last couple of weeks one of those three individuals has left S&WB, so we anticipate an ask to fully train up another person. That is a potential issue because there is no space or resources to do so. Commissioner McClain asked how has delegated authority worked. He further asked has it resulted in more people being hired. Mr. Greene noted that since his April 24<sup>th</sup> report to the Commission, S&WB had submitted 46 additional requisitions. Civil Service Staff was responsible for providing eligible lists for 22 of those. Staff has provided eligible lists for 21. S&WB Human Resources was responsible for the remaining 26. They have completed the certified lists for 14 of those. The average time between the creation of a requisition and the production of an eligible list for these 46 requisitions was 6.5 days. Since Feb 16<sup>th</sup> S&WB has submitted 150 requisitions. The average time between the creation of a requisition and the production of an eligible list for these 150 requisitions is 9.6 days. The average time from requisition submission to the approval by staff takes about 3.5 days. It is a very quick turn around. For S&WB specific positions the time is even shorter. It is about two days. This is in part to similar positions being filled. For example, there were 50 vacancies for Utility Plant

Worker, so there were lots of requisitions submitted for those positions. Commissioner McClain asked if it would be correct to say that delegated authority contributed to the quick turnaround. Mr. Greene replied that he thought it had. There is an incremental effect just because of the volume. No other department in the City has that many requisitions. It's a matter of if the process in approving and certifying those positions has fully complied with the rules and how much auditing capacity the staff has to look at that. That's the question that staff needs to answer with respect to the constitutionality of it. Commissioner McClain asked if it was still an open question as to if delegation was working. Mr. Greene stated that it was still an open question. He stated you had to factor in both the data with respect to turn around times and staff's ability to audit if individuals on the lists meet the minimum qualifications. Commissioner Tetlow asked if there is a need to audit every applicant or can they just audit those who are hired. Mr. Greene replied by saying no. He went on to say that it is not just about who ends up getting hired, but who ends up on that eligible list. Commissioner Tetlow asked if there's harm done if people who are ineligible get on the list. Mr. Greene replied affirmatively. He noted that the problem is how did that person end up on the list. The question is what error in judgment or execution did the person assessing that application make.

Shelly Stolp, noted that this was important because under the Rule of Three you cannot certify without three eligibles. You have to be careful that they are not arbitrarily putting people on the list just to get the required number of people. Director Hudson stated that at this point when it is just getting started it is important to audit to determine the thinking process that led to the error. It is also important because there has been so much turnover. That's another reason why you cannot say if this is working or not. As soon as a person is trained, they leave. Commissioner McClain noted that if we have all of these problems we can't say that it is working. He asked what is the possibility that someone who is not supposed to be on the list actually gets hired. Director Hudson stated that there have been a couple of instances where S&WB has hired people who were not on the list. Commissioner McClain asked if there a difference as a result of the delegation in the number of ineligibles on the list. Mr. Greene responded that we are not there yet.

Item #5(a) under Classification and Compensation Matters was a request from the administration to change the Emergency Pay Rule IV, Sections 9 and 11. Director Hudson noted that this was an introduction of a proposed rule change. Robert Hagmann stated that the current emergency pay premium is

meant to recognize that some employees are excused from work during an emergency and receive emergency paid leave while others are required to work. Those who are required to work receive a 50% pay premium. The administration is asking to change the rule so that it would not require the closure of normal business. Rather, it would be activated by a declared emergency for those employees assigned to the event by the Emergency Operations Center. This would be whether or not the City's nonessential employees are being paid emergency leave. Staff is working to determine the scope and impact of the proposed rule and will present its recommendation at the next meeting.

Aaron Miller, Director of Homeland Security and Emergency Preparedness, stated that there is one conjunction in the current rule that causes a problem. The rule states in part that the Mayor has declared an official emergency and has requested that only essential employees report to work. We are finding that our emergency plans and procedures are very hurricane centric. We are finding that you can have a local, state or federal emergency declaration, but at the same time normal operations have to continue running. He gave the example of the Boston Marathon bombing and the recent tornado. With the tornado you had a federal disaster declaration, yet City Hall remained open due to the localized impact of the emergency. This presents a gray area for FEMA and it doesn't allow us to pay employees for the work they are doing related to that emergency because City Hall remained open. Exempt employees could have received the emergency rate of pay, but non-exempt were unable to. Director Hudson objected to the statement and noted that the rule was designed to be an offset if all other employees are told to go home, but you are told you have to work. Those people who have to work get the premium pay. Mr. Miller stated that in some instances days off were cancelled and people were called into work. Director Hudson noted that the Rules would allow exempt employees to receive premium pay on their first 40 hours and then receive overtime over 40 hours. This excludes those earning over \$100,000.

Katie Dignon with the Project Delivery Unit stated that the City has issued a policy memo regarding the overtime pay policy. She noted that the concern is that people do not show up. For example, NORDC employees were needed to man shelters.

Commissioner McClain asked if what is being proposed would now result in exempt employees getting three times the hourly rate. Director Hudson replied

that they would get double time. She noted that the idea is that you could get both. There are many exempt employees under \$100,000 who could be eligible for both the premium pay and the overtime pay.

Director Hudson stated that staff is going to look to other jurisdictions and check out what their policies are on when that pay gets started and when it should end.

Item #5(b) was a request from the Administration for a new Unclassified Director of Special Projects position in the Chief Administrative Office. Director Hudson reported that this request had been withdrawn.

Item #5(c) was a request from PANO for a 5% special rate of pay for Homicide Detectives and to address the issues of creating a Pay Classification for Detectives, Overtime Pay, and Vehicle Usage. Eric Hessler, representing the Police Association of New Orleans, stated that PANO had appeared before the commission three times in the last sixteen months requesting the 5% special rate of pay for Homicide Detectives. In response, at the December meeting the City had responded that they had no problems attracting new detectives to the homicide unit since it was an esteemed position to hold. He stated he had learned that two weeks prior to that meeting, the City had issued KSA's for Homicide detectives and had received one request out of 1100 officers. In April of 2017, there was a newspaper article that interviewed six current or former NOPD homicide detectives who described the unit as completely broken. He stated that during his last ask he had suggested correcting the problem before there is another scandal similar to that at the Sex Crimes Unit. He stated we have now had that scandal. The unit is down to sixteen people. It was recommended it be staffed at 32. He noted that 32 is wishful thinking, but 16 is a travesty. Commissioner Tetlow asked how many are actually budgeted. Mr. Hessler responded that they aren't trying to fill them because they can't fill them. There are budgeted positions open. Commissioner Tetlow stated that NOPD would say that they have a manpower issue and they can't allocate detectives to those positions. It's not that they can't find anyone willing to be a Homicide detective. Mr. Hessler stated that Jon Wisbey, Deputy Chief of Staff at the time said that there is a manpower issue and that they have not had problems attracting persons. Commissioner Tetlow noted that Mr. Hessler was saying the opposite that there are positions that they would fill if they could find anyone to do it. She asked if he had evidence of that. Mr. Hessler said he had statements by the Chief of Police saying that. Commissioner Tetlow stated that everyone agrees



that they need more people. Mr. Hessler stated that he is saying that there are positions open that they are trying to fill as they gain people. When you put out a job opening and only receive one response out of 1100 people that is evidence that not too many people want to go there.

Commissioner McClain stated that in the past, for other special rates of pay for police officers, like that for the Special Victims Section, one of the reasons he supported it is because police management made that request. He noted that Mr. Hessler made good points as far as the need for it, but his challenge is that he doesn't see the administration making the request for the special rate of pay. He noted that in the past that helped him decide that this was the right thing to do. That would be a much clearer pathway to getting this done. Mr. Hessler responded by saying that if they are happy with a 20% solve rate when the rest of the country averages 60% then so be it. If they are happy with homicides not being investigated adequately because they do not allow overtime for follow-up investigations then so be it. Commissioner Tetlow asked if the Commission had authority on how overtime is assigned. Director Hudson said it did not. Commissioner Tetlow stated let's stick to things we have control over. Mr. Hessler responded by saying he thought the Commission had jurisdiction over pay issues. Director Hudson stated that it is up to the department what overtime gets authorized.

Eric Melancon, NOPD Deputy Chief of Staff, stated that offering 5% to Homicide detectives as opposed to all detectives becomes tricky. He stated that NODP supports the classification and compensation study. We want to see if there is a way to have a side-working group with NOPD to pursue a detective position or tract beyond Police Officer IV. Director Hudson noted that when NOPD raised this issue at a previous meeting with staff they were advised to put their request in writing, specifically what they would like to see happen. Commissioner Tetlow noted that with the amount of resources it takes to train detectives we need to have a plan to retain them. Director Hudson stated that the issue is that when you use a special rate of pay you have more flexibility regarding who you give that assignment to and removing people from assignments. When you create a separate job classification folks earn permanent status in those job classifications. That is what held the creation of a detective series up the last time. NOPD was supposed to get back to staff, but did not. Mr. Melancon stated that it is difficult for the department to decide it all on its own, so it would like the compensation experts to help. Commissioner McClain noted that this needs to be prioritized. Mr. Melancon stated that NOPD wants to be sure that when we add members to a unit we

are not depleting resources from platoons across the city. Part of what Mr. Hessler described is correct. We are trying to get our Recruits into field operations positions so that we can offset the resources that are needed. Commissioner Tetlow stated that the whole reason we have special rates of pay is to correct disincentives to serve which is why the Public Integrity Bureau has one. She noted that the factual question here is has NOPD gotten to the point where command has trouble recruiting officers to serve as Homicide detectives. Mr. Melancon stated he would have to go back and get further information on that. Commissioner Tetlow asked if he could report next month on that as well as issues of retention which are also relevant. Commissioner McClain stated he would like to make sure that NOPD is prioritized in the compensation study. Director Hudson offered to facilitate a meeting with NOPD and the consultant. Mr. Melancon agreed to Commissioner McClain's request to allow the unions to participate in those meetings. Mr. Hessler agreed that a detective promotional tract is needed. Commissioner Tetlow suggested returning the special rate of pay issue to the Commission's June agenda. She noted that the Commission only had jurisdiction over the overuse of overtime, not on general usage.

Mr. Hessler stated that regarding vehicle usage, employees are required to pay to take home vehicles they are required to take home and they can only use them to drive to and from work. Mr. Melancon stated that NOPD is working with the Administration to get some clarity on the recent revision to Chief Administrative Office Policy Memo #5. He noted that the rationale behind the policy is that if you have a little skin in the game you take better care of the vehicle. It is designed to offset some of the operational costs of the vehicles like fuel and maintenance. There is some ambiguity as to what is considered limited personal use. Mr. Hessler noted that the rationale provided only benefits the City. Mr. Melancon clarified that NOPD does not necessarily subscribe to this rationale, it is what was provided to him by the City. Commissioner Tetlow stated that the Commission would come back next month on the special rate of pay issue and see what the City has to say. The situation may have changed and that's what she would like to know.

Michael Glasser, representing PANO, stated that what has changed is exactly what we predicted in December. The Homicide Unit is in operational crisis now. He referenced a news article that stated that the clearance rate for homicides in New Orleans has dropped from 53% to 26%. He stated he was coming to the Commission not only as the president of PANO but also as a supervisor in the Homicide Unit. He noted he has personal experience with

what he does daily. He noted he was not in favor of the 5% for the Academy because it was not going to solve the problem there. In Homicide the problem is twofold. Yes, the entire department is suffering from a manpower shortage about 30% down. The Homicide Unit is down 50%. We have budgeted vacancies we cannot fill. We do not want to make people go there. Normally there is a waiting list. That is not the case now. The reason one or two people out of 1100 respond to the KSA's for these positions is the workload. It is double the national average. Some cases come under enormous scrutiny and these detectives do not make more than detectives handling shoplifting at Wal-Mart. The operational crisis has come. We need to retain the detectives who are there and attract new ones. Homicide is further understaffed than it should be. We want to deal with this now before the homicide rate goes up further or the clearance rate goes down further. I've submitted a plan to Mr. Melancon and to the Commission before for a detective career tract. Homicide has become a place where people do not want to work.

Peter Hansche, representing PANO, stated he is a supervisor in Homicide. The best detective he has is trying to move to PIB. Commission Tetlow asked if it is about the money. Mr. Hansche responded that he is disenchanted with Homicide in general but pay is certainly a part of it because the pay is pensionable. Commissioner Tetlow noted that the pay issue and manpower issue keep getting conflated. The manpower issue is primarily a resource issue. Mr. Hansche stated that 5% will not solve the manpower issue, but 5% will assist in recruitment and retention. It is terrible to lose good people. He noted he had a person whose transfer out of Homicide was blocked and so that person resigned and went to Jefferson Parish. He stated that we need to be able to up the incentive for good people to do it and for good people to stay.

Item #6 under Recruitment and Selection Matters were examination announcements #9592 to #9626. Commissioner McClain moved to approve the announcements. Commissioner Tetlow seconded the motion and it was approved unanimously.

Item #7 was the ratification of Public Integrity Bureau (PIB) 60 day extension requests. There were no extension requests to ratify.

Item #8(a) under communications was a report on ADP ongoing issues. Robert Hagmann reported that staff was working with Finance to get the 1.25% merit pay implemented effective June 4<sup>th</sup> for Administrative employees

and June 11<sup>th</sup> for eligible Police employees. Director Hudson noted that staff has been working with Finance on getting the old Human Resources history from the old payroll system loaded into ADP.

Donovan Livaccari, representing the Fraternal Order of Police, stated that there are constant problems with getting police officers paid in ADP. The problems are eventually fixed, but they shouldn't be happening in the first place. He gave the example that ADP deducted twice the required pension contribution from the Officer's millage checks; \$640 instead of \$320. He noted that when you have officers living paycheck to paycheck that is a lot of money. He gave another example of correcting an issue over four hours of shift differential that resulted in the Officers' entire Mardi Gras overtime pay being taken back. This has all been rectified but the problem is that it occurs in the first place. Director Hudson noted that this is the first she was hearing of this issue. Mr. Livaccari responded that it is usually addressed with Police Payroll who addresses it with Finance.

Roy Guerccio, Comptroller, stated the millage issue was a manual error and officers would be reimbursed on Friday. He stated the issue with overtime was a communication problem between Police and Finance. There is now a new procedure for correction of shift pay. Finance misunderstood what Police had asked them to do. Mr. Livaccari stated that part of the problem is that the ADP process includes spreadsheets and manual entry. We have lost fluidity. Mr. Guerccio stated that the correction process has been the same as it has been for years. He stated that Mr. Livaccari was referring to the ADP corrections that go to Atlanta. Director Hudson stated that staff's issue with ADP is that things staff used to be able to go into the system and fix easily now have to be done by ADP form and someone else outside of the City who has to be trained on City processes because it is an outsourced solution. Mr. Livaccari noted that it seems to always be something.

Item #8(b) was a report on Civil Service Budget and Staffing. Director Hudson reported that she had been asked to complete a 2018 Budget Preparation Questionnaire. She said her understanding is that the budget will be a standstill budget where departments get what they have this year. In order to make a case to get additional funds, the item must have been mandated by the Mayor or Chief Administrative Officer. Director Hudson noted that the additional items she requested were \$50,000 for Phelps Dunbar Great Place to Work litigation, \$30,000 for the appeals backlog and \$6,000 for Neogov and SIOP conferences for professional development, \$20,000 for



the Fire Captain's test, and \$140,000 for two audit and compliance positions in Classification and Compensation and an additional psychometrician for testing. Commissioner McClain suggested that the Commission Chairperson accompany the Director to any meetings with the CAO regarding the budget. Director Hudson further noted that the budget form also asked what a 5% cut would look like. Based on staff's analysis, the department would lose 2.5 positions.

Director Hudson noted that she wanted to make it clear that the additional space for Civil Service will cost \$37,500 to renovate and staff is still not clear on who will pay for that. She noted that the build out would include space for training so that the current training space could be used for additional office space. An exam room would also be created. The current Police exam room is on the 11<sup>th</sup> floor and it does not make a good first impression because it is a break room. Staff would like to move it to the new space. Staff will try to do walk in testing in the afternoons in this space if able.

Commissioner McClain asked who is responsible for payment. Director Hudson replied that it was her understanding that it will be the CAO's Office. Commissioner McClain stated that the Commission strongly supports this request and asked Alexandra Norton if the money had been secured. Ms. Norton stated she did not get the information regarding what was needed. Director Hudson stated that she thought she had forwarded a copy of the quote to Ms. Norton. Ms. Norton stated that the next step was for her to go and request funding but if staff is going to go and request funding for the entire budget for next year, that will also be a good request. Commissioner McClain stated he thought both should be done. Director Hudson stated that she did not include it in the budget because she thought Ms. Norton was securing it. Commissioner McClain stated that this is such a priority a Commissioner can attend a meeting if needed.

Commissioner Tetlow exited the meeting during item #8(b).

Item #8(c) was a report on the comprehensive classification and salary study. Rebecca Atkinson from the Chief Administrative Office reported that the submissions had been received and that appointing authorities or their designees had until Wednesday to submit their reviews of them. The advisory group met two weeks ago and the consultant held a workshop with Civil Service Staff. Director Hudson reported that staff had met with the consultant and gone over the contract regarding what was expected of them. She noted

that the consultant is concerned about the completion rate of the questionnaires. 1000 out of 4000 had been received. The consultant does not think that's enough. Director Hudson further noted staff had sent out an email to Department heads to encourage them to have employees complete the questionnaires. She said that staff is working on a list of missing classifications.

Item #8(d) was a report on the Civil Service Commission Election. Director Hudson showed the ballot to the Commissioners. She noted that the election is behind schedule. She had requested \$8,000 to pay for the election but had not received a response from CAO. She noted the ballot was supposed to go out on April 20<sup>th</sup> but it was delayed because of the funding. Ms. Norton asked if the request had been sent to CAO. Director Hudson stated that staff had been working with Joyce Christopher in the CAO's Office and had sent a request weeks ago and again recently. Ms. Christopher said she would get a response last Friday. Ms. Norton offered assistance for an online sample ballot.

Director Hudson noted that a request was received from Clifton Moore that was not on the agenda. Mr. Moore stated that NOFD had been targeted by threats over the monument removal issue due to NOFD's perceived roll in dismantling the monuments. He stated he believed this is direct result of the Superintendent directly breaching the Civil Service rules with regard to job descriptions. He noted that the Superintendent says that this involvement falls under the logistics portion of the job description. Commissioner McClain asked Mr. Moore if he had received any complaints from members regarding being involved in the removal. Mr. Moore responded that he had not specifically, however as a result of NOFD being outed, members who were not involved were being threatened. The violation is that NOFD rules state that members do not don riot gear. Commissioner McClain asked if we know that that happened during their tour of duty. Mr. Moore responded that the City maintains that it is a homeland security issue, so we do not know the details.

Brendan Greene asked if before we get further into the merits of the discussion do the commissioner want to vote to add this item to the agenda. Commissioner McClain stated that he had heard enough, there is not a need for him to hear anymore. Commissioner McClain then motioned to add the item to the agenda, Commissioner Caputo seconded the motion and it was

approved unanimously. Mr. Moore stated that he would submit a request for the item to be added to next month's agenda.

There being no additional business to consider, Commissioner McClain moved for adjournment at 3 p.m. The motion was seconded by Commissioner Caputo and approved unanimously.



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Michelle Craig, Chairperson



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Ronald McClain, Vice Chairperson



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Tania Tetlow, Commissioner



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Stephen Caputo, Commissioner