

CIVIL SERVICE COMMISSION FOR THE CITY OF NEW ORLEANS

IN RE: INVESTIGATION OF THE INTEGRITY CONTROL OFFICER ASSIGNMENT

The matter is before the Commission on relation of employees of the New Orleans Police Department (NOPD) who requested that the Commission investigate whether the jobs that they have been assigned to within the NOPD as “Integrity Control Officer” (ICO) are consistent with their job classifications and otherwise comport with our Rules and Pay and Classification Plan.

For the reasons that follow we adopt the findings of the Department of City Civil Service, we deny the NOPD’s Motion to Strike and its Motion to Stay, and we order the NOPD to either reduce the Complainants in rank or assign them job duties consistent with their permanent civil service classifications.

I. Chronology

In a letter dated October 1, 2012, addressed to the Civil Service Department¹, counsel for the Police Association of New Orleans (PANO) requested on behalf of an unspecified number of Police Captains among its membership that the Commission investigate several matters regarding “[T]he implication of Commanders special rate of pay as it is being applied”. The matter was considered at the October, 15, 2012, business meeting of the Civil Service

¹ Ex 1

Commission² and the Commission declined to take any action³.

PANO appeared again before the Commission at its November 19, 2012, meeting and re-urged its October request.⁴ Commissioner Douglas addressed the issue concerning Police Captains and said that the Commission would take the matter under advisement.⁵

That same day, at 2:29 p.m., Raymond Burkart, an employee holding the permanent classified positions of Police Major filed with the Department of City Civil Service a “Petition for Relief from Full-Time Dual Assignment” complaining of being assigned to a job inconsistent with his classification.⁶ The relief requested was that “the Police Department be ordered to cease and desist requiring petitioner to perform in a dual assignment and instead be given duties only consistent with his classification as a police major...”.

On January 7, 2013, Bruce Adams, Michael Glasser, Simon Hargrove, Heather M. Kouts, Bruce Little, and Frederick Morton, all holding the permanent classified positions of Police Captain filed with the Department of City Civil Service a “Petition for Relief from Full-Time Dual Assignment and Improper Allocation of Position” complaining of being assigned to jobs inconsistent with their permanent civil service classifications of “Police Captain”. The relief requested was that “the Police Department be ordered to cease and desist requiring petitioner to perform in a dual assignment and instead be given duties only consistent with his

² Ex 2

³ Ex 3

⁴ Ex 4

⁵ Ex 4

⁶ Ex 6

classification as a police captain and further that the allocation of the ICO and FOB-ASU positions be reviewed.”⁷ A subsequent, and identical, “Petition” was filed on the same day on behalf of Captain William Ceravolo.⁸

In a letter to the Personnel Director dated January 18, 2013, PANO asked to appear before the Commission to inquire as to whether any “decision has been reached” on its November request.⁹ The matter was placed on the February Business Meeting agenda.¹⁰

We note here that the January 18, 2013, letter from PANO represents that its October 15, 2012, appearance before the Commission addressed “several issues pertaining to the job of ICO in the New Orleans Police Department.” As Exhibits 1 and 2 quite clearly demonstrate, it was the “Commanders special rate of pay”, not “the job of ICO”, that was the subject of PANO’s appearance in 2012. Nevertheless, the issue appeared as Item #2 on our February 18, 2013, Business Meeting agenda as one regarding PANO’s desire to address the Commission “regarding Integrity Control Officers within the Police Department”.¹¹

The Department of City Civil Service (Department) undertook an inquiry into the complainants’ charges. This inquiry resulted in a report to the Commission in December, 2013 (ICO Report)¹² which was presented at the Commission’s December 16, 2013, meeting.

The NOPD responded to the Civil Service Department’s report by filing a “Response

⁷ Ex 7

⁸ Ex 8

⁹ Ex 9

¹⁰ Ex 10

¹¹ Ex 11

¹² Ex 12

on Behalf of Department”¹³ on February 17, 2014, the day of the Commission’s monthly meeting.

At the February 17, 2014, meeting the Commission directed the Civil Service Department to reply to the “Response on Behalf of Department” by March 3, 2014, and the Civil Service Department responded by filing a response on March 3, 2014,¹⁴

On March 10, 2014, the NOPD filed a “Motion and Incorporated Memorandum to Strike Civil Service ICO Report”¹⁵.

On April 2, 2014, the NOPD filed a “Supplemental Response (sic) to Motion to Strike Civil Service 2013 ICO Report”.¹⁶

II. Issues Presented

The named complainants in this matter, Raymond Burkart, Bruce Adams, Michael Glasser, Simon Hargrove, Heather M. Kouts, Bruce Little, Frederick Morton and William Ceravolo presented specific complaints to the Department of City Civil Service. Specifically, Burkart complains that he has been assigned duties appropriate to the rank of Police Sergeant, despite holding the rank of Police Major. (Ex. 6, Par. 4) Adams, Glasser, Hargrove, Kouts, Little, Morton and Ceravolo complain that they, too, have been assigned duties appropriate to the rank of Police Sergeant, despite holding the rank of Police Captain. (Ex. 7, Par. 9, Ex. 8,

¹³ Ex 13

¹⁴ Ex 14

¹⁵ Ex 15

¹⁶ Ex 14

Par 4).

PANO appears only in a representational capacity requesting an investigation, and does not present a specific complainant.

The relief requested by the Complainants was that “the Police Department be ordered to cease and desist requiring petitioner to perform in a dual assignment and instead be given duties only consistent with [their] classification[s]...” (Ex 6, Ex 7, Ex 8)

In its February 17, 2104 “Response” (Ex 13), the NOPD itemized its objections to the ICO Report as follows:

1. Background on NOPD Structure Inaccurate and Ignores DOJ Guidance
2. ICO Report Uses Improper and Unverifiable Methodology
3. ICO Report Not Responsive to Civil Service Rules Identified by Claimants
4. The Report Misidentifies and Misapplies The Civil Service Rule at Issue
5. ICO Report Responds Regarding Officers Who Are Not Claimants
6. ICO Report Relies on Claimants' Subjective Claims Instead of Objective Documentation
7. Report Misrepresents Job Specifications for Sergeants, Lieutenants, Captains and Majors
8. The Report Misrepresents the Substance of NOPD Policy #8
9. The Report's Seven Findings Are Not Based on Complainants' Claims

The NOPD’s March 10, 2014, pleading is a motion to “strike” the ICO report.

In its “Supplemental Response (sic) to Motion to Strike” (Ex. 15), the NOPD requested

a “stay” of this matter pending resolution of other matters before the Commission and the Courts.

III. Investigatory Powers of the Commission

This matter is an inquiry into compliance with this Commission’s Rules, not an adversarial proceeding.

“The Commission has investigatory powers under Louisiana Constitution Art. X, Sec. 10, and it has the inherent power to enforce its rules throughout the classified service.” New Orleans Ass'n of Firefighters Local 632 v. Civil Service Com'n of City of New Orleans, 495 So.2d 958, 963 (La. App. 4th Cir., 1986).

In the exercise of its investigatory powers this Commission has investigated complaints of the failure of fire department supervisors to carry out the intent of Rule XI relative to Service Ratings, (Civil Service Com'n Layoff Investigation (Collongues), In re, 546 So.2d 523 (La. App. 4 Cir., 1989)), has investigated and acted upon complaints of non-uniformity in the pay plan (Babin v. City of New Orleans, 93-2499 La. App. 4 Cir. 5/26/94, 637 So.2d 1309 (La. App. 4 Cir., 1994)), has considered and ruled upon complaints of employees of the NOPD that they were discharging duties above their classifications without appropriate compensation (Appeal of Civil Serv. Comm'n v. Dep't of Police, 894 So.2d 1214 (La. App., 2005)), and has even been admonished by the judiciary for failing to investigate alleged improperly constituted unclassified positions. (Cotrell v. Div. Of Housing and Neighborhood Development, 830 So.2d 1083 (La. App., 4th Cir. 2002)).

The investigatory powers of the Commission are not limited to investigating only the complaints made to it. The Article 10, Section 10(B) of Louisiana Constitution quite clearly empowers the Commission to exercise its investigatory power *sua sponte*: “(B) Investigations. Each commission may investigate violations of this Part and the rules, statutes, or ordinances adopted pursuant hereto.”

The NOPD’s misapprehension of this matter as an adversarial proceeding may be due to the complainants’ embodying their complaints in “petitions” in the form of legal pleadings bearing an adversarial caption.

Given our independent authority to conduct investigations into compliance with our Rules, the Commission is not bound by technical forms of pleading or the language an employee may use in calling our attention to alleged Rule violations. Therefore, the NOPD’s objections that the “ICO Report (is) Not Responsive to Civil Service Rules Identified by Claimants” (Ex 13, No. 3, pg. 11) or that the “ICO Report Responds Regarding Officers Who Are Not Claimants” (Ex 13, No. 5, pg. 14) are without merit.

IV. Duties of the Personnel Director

Article 10, Section 6(C) of the Louisiana Constitution provides in pertinent part, that “[E]ach director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission appointing him.”

The Commission is charged by law to establish a “uniform pay and classification plan”. La. Const. Art. 10, Sec. 10(A)(1). A uniform pay plan established and implemented by the

Commission must conform to the basic purposes for which civil service was created, among them insuring uniform treatment of all similarly classified employees in the system, avoiding discrimination and favoritism, promoting the efficiency of governmental operation, and encouraging promotion based on merit. Thoreson v. Department of State Civil Service, 433 So.2d 184, 191-192 (La. App. 1 Cir., 1983), citing Barnett v. Develle, 289 So.2d 129 (La.1974).

Our Rules have the force and effect of law. La. Const. Art. 10, Sec. 10(A)(4). Our Rules grant broad authority to the Personnel Director to establish job classifications and to allocate positions to those classifications in the classification plan. Civil Service Rule III, Section 1.

The principle of defining “classifications” by reference to the duties of the job sought to be performed and the “allocation” of “positions” in the government service to the classifications so established is a duty incumbent upon the Personnel Director, and one long established in Louisiana law. The process is described in the Louisiana Revised Statutes.

L.R.S. 33:2402 provides, in pertinent part:

The director... shall cause to be prepared a classification plan which shall consist of classes, designated by standard titles, designed to provide for all positions in the classified service. He shall from time to time review the duties and responsibilities of the positions in the classified service and may add, combine, divide, or abolish classes, or revise the titles of existing classes.

L.R.S. 33:2403 provides, in pertinent part:

The director, as soon as practicable after the adoption of a classification plan and, after consultation with the appointing authorities concerned, shall allocate each position in the classified service to its appropriate class, and thereafter shall

allocate each new position in the service to its appropriate class, and may reallocate positions from class to class. In making the allocations he shall provide for uniform application of the classification plan to positions under different appointing authorities.”

Civil Service Rule III, Section 1.3, specifically authorizes the Personnel Director to investigate complaints of misallocation:

Hearings on appeals from allocations: If any employee believes that his position has been improperly allocated, he may protest the allocation by presenting such forms or documents as the Director may prescribe. The Director or any person designated by him may hold special hearings to determine the facts of each case and the Director shall make his decision on the basis of the written statements and forms presented by the employee and on the facts brought out in the hearing. The employee shall have the right to appeal to the Commission if dissatisfied with the action of the Director.

Furthermore, our Rules empower the Director to exercise the subpoena power of the Commission granted in La. Const. Art. 10, Sec 10.

Civil Service Rule II, Section 8.1, provides:

The Commission, each member of the Commission, the Director, or other persons designated by the Commission, may administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by the Commission pursuant to the Law and Rules. All applications for the issuance of subpoenas must be in the hands of the City Civil Service Commission at least ten (10) business days prior to the date established for the hearing.

It is against the backdrop of these provisions of law that we consider the following statements made by the Law Department of the City of New Orleans in pleadings filed before us.

Under our Rules, the investigation of the facts concerning the job duties of the "ICO" complainants was subject to being conducted by formal hearings and the issuance of subpoenas. It was instead conducted by the Personnel Director by means of personal interviews of the complainants, interviews of Deputy Superintendents and the NOPD's liason to the U.S. Dept. of Justice relative to the Consent Decree, e-mail correspondence and the dissemination and receipt of questionnaires relative to job duties. In short, the Personnel Director conducted the investigation in much the same way the Department of Civil Service goes about analyzing job classifications in the ordinary course of city business, i.e., by gathering information from and talking to the affected parties.

On page 4 of its "Motion to Strike ICO Reports" (Ex. 15) the Law Department states the following:

Even more egregious are the emails between the Director and counsel for the complainants prior to the start of this "investigation", in which she identifies insufficiencies in their petitions and misapplications of the Civil Service rules and then instructs them on how to re-phrase their requests in order to present the matter to her directly rather than filing with the Commission. These emails represent improper exchanges between the Director and litigants on one side of a matter pending before the Commission, and eviscerate any shred of fairness or objectivity in the Director's "findings".

The Commission finds nothing improper about the conduct of the Personnel Director in this matter. She is empowered by our Rules to investigate compliance therewith and was specifically directed to inquire into the ICO complaint. Rather than convene formal hearings wasteful of limited public resources, the investigation was conducted in an efficient and timely manner. The strident tone taken by the Law Department in its pleadings is unwarranted and

unwelcomed.

Even more troubling is the following statement occurring on the same page of the “Motion to Strike ICO Reports”:

In fact, sometime in September 2013, the City advised NOPD Superintendents to stop responding to requests for information by Civil Service that related directly to pending litigation, specifically, the *Orazio* matter, which was scheduled for hearing on October 31, 2013.

It is difficult to determine whether this statement is intended to admit intentional obstruction of the Commission’s investigatory powers or admit ignorance of legal procedures available for the issuance of “protective orders”.

Whichever may be the case, we serve notice on the Department of Law that we view intentional interference with our investigatory powers a proper subject for judicial sanction and will, in the future, not hesitate to avail ourselves of recourse to the courts for appropriate relief.¹⁷

V. **Findings of Fact**

The Commission finds unconvincing the NOPD’s assertion that the Department of City Civil Service has used “improper and unverifiable methodology” in confecting the ICO report. (Ex 13, No.2, pg. 8)

The methodology employed by the Personnel Director in examining the job duties of the positions under investigation is one of long standing and the NOPD has failed to produce

¹⁷ See, e.g., Investigation of Lauricella, In re, 546 So.2d 207 (La. App. 1 Cir., 1989)

anything as helpful as the Department's item-by-item comparison of the responsibilities contained in the job descriptions of "Police Captain" and "Police Major" with the actual duties of the "ICO" complainants. (Ex. 12, pg.s 4, 5).

We note that this is the second time that this Commission has considered the matter of the "ICO" duties. In Gremillion, et al v. NOPD, CSC Docket No. 7992, this Commission considered complaints¹⁸ that the "unpleasant" nature of the ICO assignment entitled the ICOs to a 10% salary adjustment. Testimony was taken in that matter and the NOPD was represented by counsel at the hearings conducted. We take judicial notice of the transcripts in Gremillion, et al v. NOPD, CSC Docket No. 7992.

It is clear from both the testimony adduced in Gremillion, et al v. NOPD, CSC Docket No. 7992, and the results of the investigation conducted by the Department of Civil Service that the complainants have been assigned investigatory "ICO" duties to the exclusion of all other duties.

Accordingly, the Commission adopts the factual findings of the Department of City Civil Service as its own, namely, that the job duties being discharged by these seven Police Captains and one Police Major would not be beyond the scope of responsibilities of a Police Lieutenant as described for that job classification.

VI. Relief

The NOPD requests that this matter be "stayed". The Commission is not in actual or

¹⁸ Many of the complainants in Gremillion are complainants in this matter.

constructive receipt of any order from any court or from the U. S. Department of Justice that its deliberations in this matter are stayed. The NOPD's arguments in this regard are without merit.

The relief requested by the individual complainants, i.e., that "the Police Department be ordered to cease and desist requiring petitioner to perform in a dual assignment", was effectively rendered moot when the Personnel Director notified their attorney of the inapplicability of the "dual assignment" Rule in an e-mail to which the Law Department takes such umbrage. This is a non-issue. There is no "dual assignment" involved in this matter.

The Department of Civil Service suggests that the Commission either: 1. Order the NOPD to assign the complainants "work consistent with the rank of Police Captain (or Major); or, 2. Demote the complainants to the rank of lieutenant.¹⁹

The complainants have not suffered any loss of pay or benefits, nor are they complaining that they are being assigned duties *above* of their defined level of responsibility (for which they may be owed more pay) or *outside* of their responsibilities (which they may never have had reason to expect). Instead, the complainants request that they "be given duties only consistent with (their respective) classification...", a request echoing the Department's recommendation that employees should be "assigned work consistent with (their) ... official Civil Service job specification and consistent with the assignments given to other employees with that rank".

¹⁹ The Department's request relative to the "special rate of pay for Commanders" is not germane to this matter.

The problem with affording such relief is immediately apparent. It is not for this Commission to *assign* job duties in the NOPD. To hold otherwise would result in an administrative quagmire where every employee would have an opportunity to claim “entitlement” to specific job duties by virtue of the description of his civil service job classification or by reference to assignments given his co-workers.

The second option articulated by the Department of Civil Service, namely, involuntary demotion to Police Lieutenant, is supported by the description of the classification of Police Lieutenant, the findings of the Department of City Civil Service and the testimony adduced in the Gremillion, et al v. NOPD, CSC Docket No. 7992.

The description of the job duties of a Police Lieutenant (Ex. 17) specifically includes making “confidential and special investigations”. Among the “Distinguishing Features” of lieutenant’s work is the “...performance of special police duties such as investigation...” Given as an “example” of lieutenant’s work is “...being assigned to Superintendent's office to make confidential and special investigations.”

Testimony in the Gremillion matter established that prior to April 12, 2011, the ICOs were police lieutenants and that they sometimes delegated the actual investigative duties to sergeants. Transcript of Hearing, Oct 18, 2012, pg. 76, ll. 1-25, pg. 98, ll. 1-5; Transcript of Hearing, Oct 31, 2012, pg. 72, ll. 20-25, pg. 92, ll. 20-24, Gremillion, et al v. NOPD, CSC Docket No. 7992. While the NOPD claimed that captains were ultimately assigned the ICO

duties because it “needed someone with more authority to handle these tasks”²⁰, and while in pleadings in this matter the NOPD has urged that the individuals occupying the ICO positions perform more than ICO duties, the weight of the evidence supports the conclusion that the ICO investigative duties occupy the vast majority of the ICO’s work day.

If the investigative duties of the ICO are the only duties in which the ICO is ever meaningfully engaged, then the position occupied by the individual ICO may be misallocated within the pay and classification plan. The complainants have clearly let it be known that they are not discharging the job duties of police captains or a police major. It is not within the power of the Personnel Director or this Commission to order the Superintendent of Police to assign specific job duties to an employee. However, it is within the power of the Personnel Director and this Commission to re-allocate positions to classifications and pay rates consistent with the duties actually performed by the employee.

Accordingly, the Personnel Director is directed to re-allocate the positions occupied by persons discharging the job duties of ICOs to a classification within the pay and classification plan encompassing those job duties, or create a new classification at a pay rate appropriate to the job duties.

VII. Disposition of the Pending Motions

The NOPD’s Motion to Strike is DENIED.

To the extent that its pleadings can be read to assert same, the NOPD’s Motion to Stay

²⁰ Transcript of Hearing, Oct 31, 2012, pg. 189, ll. 22-25, Gremillion, et al v. NOPD, CSC Docket No. 7992

is DENIED.

NEW ORLEANS, LOUISIANA, this 15th day of August, 2014.



REV. KEVIN W. WILDES, S.J., CHAIRMAN



JOSEPH S. CLARK, COMMISSIONER



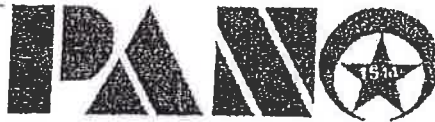
MICHELLE D. CRAIG, COMMISSIONER



EDWARD PAUL COHN, COMMISSIONER



RONALD P. MCCLAIN, COMMISSIONER



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#2

October 1, 2012

Ms. Germaine Bartholomew
Chief Management Services Division
City of New Orleans Civil Service

By FAX: 658-3598

RE: Request for October Agenda

Dear Ms Bartholomew:

This is a request to address the Civil Service Commission at the October meeting on behalf of Captains. The implication of Commanders special rate of pay as it is being applied. Specifically, we would like to address:

- * Personal/Professional Retaliation
- * Hostile work environment
- * Unsafe work conditions
- * Chain of Command issues
- * FLSA abuse
- * Age discrimination
- * Working out of class issues

Based on the severity of these issues it is requested the Civil Service Commission order a Civil Service hearing to fully investigate these complaints.

Sincerely,

Eric Hessler
Legal Counsel
Police Association of New Orleans

Attachment 1

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MICHAEL GLASSER
President

CHRISTIAN HART
1st Vice President

MARK MORNAY
2nd Vice President

MARC AMOS
Treasurer

ANTHONY ROME
Recording Secretary

DARRELL GORDON, Sr.
Sergeant at Arms

JEFFERY KEATING
Executive Trustee

RHONDA MCCORD
Executive Assistant

ERIC HESSLER
Legal Counsel



EXHIBIT
1

**CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
MONDAY, OCTOBER 15, 2012**

A G E N D A

10:00 A.M. DOCKET

- (1) Appeals for Final Action

RECESS

11:00 A.M. BUSINESS MEETING

- (1) Minutes
- (2) Request from Eric Hessler to address the Commission on behalf of Police Captains regarding Commanders' special rate of pay
- (3) Request from Eric Hessler to address the Commission regarding the proposed Civil Service Rule changes
- (4) Classification and Compensation
 - (a) Request from the Department of Finance to hire above the minimum for the Comptroller position based upon superior qualifications as outlined in Rule IV, Section 2.7
 - (b) Request from the New Orleans Recreation Department Commission to hire above the minimum for the position of Recreation Coordinator (Aquatics) based upon superior qualifications as outlined in Rule IV, Section 2.7
 - (c) Request from the Office of Inspector General (OIG) to create an additional unclassified position of First Assistant Inspector General (FAIG) for Inspections and Evaluations (I&E)
- (5) Recruitment and Selection Matters
 - (a) Request from New Orleans Fire Fighters Association to address the Commission regarding the current Fire District Chief's promotional register and the status of related promotions
 - (b) Examination Announcements
- (6) Public Integrity Bureau 60 Day Extension Requests
- (7) Communications
 - (a) Update on ADP Payroll/Human Resources conversion and outsourcing project



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ERIC HESSLER
Legal Counsel



EXHIBIT

2

#1

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
MONDAY, OCTOBER 15, 2012

The regular monthly meeting of the City Civil Service Commission was held on Monday, October 15, 2012 in Room 7W03, City Hall. Present were Vice-Chairman Dana M. Douglas and Commissioners Debra S. Neveu, Amy Glovinsky, and Joseph S. Clark. Commission Chairman Rev. Kevin Wildes, S.J. was absent for the meeting. The Vice-Chairman convened the meeting at 10:07 a.m. The Commission completed the Docket portion of the meeting at 11:15 a.m. and began their Recess. Vice-Chairman Douglas left the meeting during Recess. The Business Meeting convened at 11:30 a.m.

The first item on the agenda was the minutes of the September 24, 2012 meeting. The minutes were approved unanimously on motion of Commissioner Clark and seconded by Commissioner Glovinsky.

Item #2 on the agenda was a request from Eric Hessler to address the Commission on behalf of Police Captains regarding Commanders' special rate of pay. Mr. Eric Hessler, representing the Police Association of New Orleans (PANO), addressed the Commission asking that the Commission authorize an investigation into the treatment of Police Captains based on the following complaints: personal/professional retaliation, hostile work environment, unsafe working conditions, chain of command issues, FLSA abuse, age discrimination and working out of class issues. He asked that a hearing be authorized so that he can present evidence of these complaints. Mr. Raymond Burkhart, representing the Fraternal Order of Police (FOP), addressed the Commission encouraging them to initiate an investigation through hearing officer Ginsberg. Commissioner Neveu, presiding officer, thanked Mr. Hessler and Mr. Burkhart and informed them that since there was no motion, the Commission would not act at this time.

Item #3 on the agenda was a request from Eric Hessler to address the Commission regarding the proposed Civil Service Rule changes. Mr. Hessler informed the Commission that it had been brought to his attention that the City had retained the Public Strategies Group (PSG) to propose certain rule changes that would dramatically affect PANO's membership as well as all classified city employees. He stated that the document that he obtained seemed to indicate that the

Commission may be involved in the proposed changes, which may be in violation of Civil Service Rules and possibly the Home Rule Charter and the Public Meetings Act. Commissioner Neveu assured Mr. Hessler that the rules had not been presented to the Commission. Mr. Hessler asked that the matter be deferred to the next meeting so that he can speak to Chairman Wildes and allow him to address his involvement in this matter. Mr. Burkhart filled out a speaker card, but stated that he would reserve his comment until the next meeting. Mr. Randolph Scott, representing the Concerned Classified City Employees group, addressed the Commission stating that the group opposes any changes to Civil Service Rules that would violate state law or the City Charter. The Commission agreed to roll the matter over to the next Commission meeting.

Item #4 on the agenda was Classification and Compensation matters. Item #4 (a) was a request from the Department of Finance to hire above the minimum for the Comptroller position based upon superior qualifications as outlined in Rule IV, Section 2.7. Ms. Shelly Stolp, Personnel Administrator of Classification and Compensation, informed the Commission that staff's recommendation was to grant a hiring rate above the minimum based on extraordinary qualifications for Mr. Roy Guercio, Comptroller, \$98,795, 18.75% above the minimum. The hiring rate passed unanimously on motion of Commissioner Glovinsky and seconded by Commissioner Clark.

Item #4 (b) was a request from the New Orleans Recreation Department Commission to hire above the minimum for the position of Recreation Coordinator (Aquatics) based upon superior qualifications as outlined in Rule IV, Section 2.7. Ms. Stolp informed the Commission of staff's recommendation for a hiring rate above the minimum based on extraordinary qualifications for Ms. Jezell Smith-Jones, Recreation Coordinator I (Aquatics Program), \$34,368, 6.25% above the minimum. On motion of Commissioner Glovinsky, seconded by Commissioner Clark, the hiring rate was approved unanimously.

Item #4 (c) was a request from the Office of Inspector General (OIG) to create an additional unclassified position of First Assistant Inspector General (FAIG) for Inspections and Evaluations (I&E). This item was deferred to the next meeting at the request of Director Hudson. Director Hudson asked that staff be given additional time to review this request.

Item #5 on the agenda was Recruitment and Selection Matters. Item #5 (a) was a request from New Orleans Fire Fighters Association to address the Commission regarding the current Fire District Chief's promotional register and the status of related promotions. Director Hudson informed the Commission

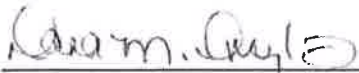
that she prepared a letter for Chairman Wildes' signature, to the Chief Administrative Office (CAO), requesting additional information on the status of the forms to appoint individuals to the Fire District Chief job classification. Director Hudson asked that this item be rolled over to the next meeting because she had not heard back from the CAO.

Item #5 (b) was Examination Announcements #8780 through #8788. On motion of Commissioner Glovinsky, seconded by Commissioner Clark, the announcements were approved unanimously.

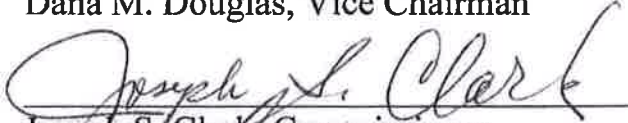
Item #6 on the agenda was the Public Integrity Bureau 60-day extension requests. The Hearing Officer's recommendations on these requests were approved unanimously on motion of Commissioner Glovinsky, seconded by Commissioner Clark.

Item #7 on the agenda was Communications. Item #7 (a) was an update on ADP Payroll/Human Resources conversion and outsourcing project. Director Hudson reminded the Commission that the Department of Finance wanted this item to be a standing item on the agenda, but that they did not have anything to report at this time.

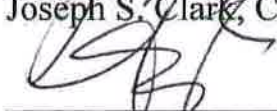
Director Hudson noted that there were no other communications to consider. On motion of Commissioner Clark, seconded by Commissioner Glovinsky, the Commission voted unanimously to adjourn the meeting at 11:59 p.m.




Dana M. Douglas, Vice Chairman



Joseph S. Clark, Commissioner



Amy Glovinsky, Commissioner



Debra S. Neveu, Commissioner