

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
MONDAY, NOVEMBER 16, 2015

#1

The regular monthly meeting of the City Civil Service Commission was held on Monday, November 16, 2015 at 1340 Poydras Street, Suite 964. Ms. Doddie Smith, Personnel Administrator of Management Services, called the roll. Present were Commission Vice-Chairperson Ronald P. McClain, Commissioners Joseph S. Clark and Tania Tetlow, representing a quorum. Vice-Chairperson McClain convened the meeting at 10:06 a.m. The Commission then proceeded by sounding the Commission's docket. At 10:18 a.m. Chairperson Michelle D. Craig joined the meeting and participated throughout. At 10:23 a.m., on the motion of Vice-Chairperson McClain, seconded by Commissioner Clark, the Commission voted unanimously to go into executive session to discuss matters taken under advisement and pending litigation. At 10:56 a.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

The first item on the agenda was the minutes from the October 19, 2015 meeting. Commissioner Tetlow moved approval of the minutes. Vice-Chairperson McClain seconded the motion and the minutes were approved unanimously.

Item #2 was an update on the status of a complaint regarding Firefighters working out of their classification. Speaking on this matter were Mr. Aaron Delong from the City Attorney's Office and the President of the New Orleans Firefighters Association (Local #632), Nicholas Felton. Personnel Director Lisa Hudson reported that assurances were given at the last meeting that staff and the Commission's attorney would have the settlement agreement to review. However, no such agreement was received. Mr. Delong stated that he and Mr. Louis Robein, attorney for the union, had reached an agreement over the weekend and that a draft of this agreement would be circulated soon. Mr. Felton concurred.

Item #3 was a request from the Firefighter's Association to consider pay increases based on a Firefighter salary survey and information from the City Administration on a Firefighter pay study. Director Hudson indicated that the staff has compiled the information from the various sources into one document. She stated that the next step would be meetings with each side of this issue so that staff could present the Commission with its recommendation at the next meeting.

Item #4 was a request from the Fire Department to amend the current job specifications for Fire Recruit and Firefighter I to include fire prevention and

major emergency response activities. Director Hudson informed the Commission that staff had asked the union to provide specifics regarding their objections to the Fire Department's proposed language. She indicated that a meeting between union officials, staff, and NOFD administration was planned to identify areas of disagreement. Director Hudson informed the Commission that it was her hope that staff would have recommendations on both this matter and the prior one at the next meeting. Mr. Felton suggested that, because this issue may involve the Fair Labor Standards Act (FLSA), attorneys representing the various parties should participate in the meeting. Chairperson Craig reminded Mr. Felton that he had indicated that he would provide pertinent court case information regarding his FLSA concerns.

Item #5 was proposed amendments to the Civil Service Rules. Item #5 (a) was a proposed amendment to Rule IV, Section 2.4, related to pay for extraordinary or superior qualifications, experience, or credentials. Director Hudson noted that, since last month's meeting, the administration and the Commission's Attorney, Mr. Brendan Greene, met and agreed on language for section "h" of the proposed Rule change. This section prevents those with a break in employment that is less than 60 days from taking advantage of higher pay meant to attract new employees. She continued noting that there was no agreement on the proposed section "g." That proposed change would require that employees with qualifications which would allow them to be placed in a higher classification, be placed in that higher class, rather than using this part of the Rules to effect pay. Staff's position, as explained by Director Hudson, was that this change was needed to ensure equity in pay.

Ms. Alexandra Norton, Director of Service and Innovation, addressed this item. She stated that the Administration and all appointing authorities had issues with this proposal because all of the classes in a series are not available to them. She continued, noting that the current Rule is relatively new. Commissioner Tetlow asked if it was common to have series of job classifications that were mainly differentiated by experience or education qualifications, rather than differences in duties. Director Hudson replied that this is a common situation in the current pay plan. It was noted that promotions to higher classes are a major method for employees to receive advances in pay.

Personnel Administrator Robert Hagmann addressed this issue, noting that, without the proposed change, two issues could arise. First, an employee hired into a lower classification at a higher rate would later be allowed to be promoted to the next higher class and receive a promotional increase, in addition to the premium paid under this rule. This, he averred, could exacerbate pay inequity. Second, a part of the Rule, which he referred to as the "me too" clause, would require departments to

pay their employees with similar qualifications similarly, which could tax department's personnel budgets.

Commissioner Tetlow asked if departments' efforts to fill positions using a higher class, as suggested by staff's proposal, would be stymied by the need for staff to approve that higher class, as suggested by Ms. Norton's opening presentation. Director Hudson first noted that staff's proposal would only apply in specific cases where the extraordinary qualification had been already identified as a requirement for a higher class. In any other cases, all pay flexibility would be available to the appointing authority. For example, an appointing authority could hire someone with a doctorate degree at a higher rate because that qualification is not generally a minimum qualification for a higher class in a series. Commissioner Tetlow interposed with a hypothetical of a department wanting to hire someone with a Master's degree as a Management Development Analyst II. Director Hudson noted that staff does not require a job study for the positions in this series, unless there is a need to justify the position as FLSA-exempt (salaried). She stated that, if job candidates are on the appropriate list, they can be hired into the higher class.

Noting that one may not be on the register for a higher class, Vice-Chairperson McClain interjected that the Rule anticipates a situation where the goal is hiring a specific individual off of a register with an explicit set of skills. Director Hudson pointed out that a goal for the Civil Service system is for people to be able to compete for open positions. Vice-Chairperson McClain then asked if this were not intended for an unusual case in which open competition was less feasible. Director Hudson noted that, indeed, that was the intention of the Rule, but that if an individual's résumé reflects no more than what is considered a minimum qualification for the next level up, perhaps that qualification is not truly "extraordinary" as described in the rule's title.

At this point, Ms. Norton opined that it may be too early to consider this rule change. She stated that the proposed change would be a dramatic curtailing of flexibility in pay and that the City's pay system is one of the least flexible of any Civil Service pay systems. Ms. Norton suggested that, because the rule has not been in place that long, the potential pitfalls described by staff are hypotheticals. Director Hudson related a recent issue with a Marketing Coordinator at the Library who requested back pay when he found out about others in his class who were hired at a higher rate using this section of the Rules. She added that pay equity is a major concern for employees.

Vice-Chairperson McClain asked Ms. Norton to describe her specific issue with the Rule change proposed. She replied that the Rule has already been approved and that there is already a great deal of oversight in its use. Ms. Norton suggested that additional training and transparency in salaries would be most helpful, but reiterated her opinion that this change was premature. Vice-Chairperson McClain next asked how many people have taken advantage of pay for extraordinary qualifications. Mr. Hagmann noted that the most common use of this rule has been for positions near the top of a career ladder, so the issue foreseen has not arisen often, if at all. Vice-Chairperson McClain then suggested that it may be premature to make the change if there have been no problems. Director Hudson responded that the goal of the proposal is to prevent problems before they occur. Ms. Norton reiterated her position that the City's pay system is very inflexible. Ms. Shelly Stolp, Personnel Administrator, responded at this point. She noted that, compared to the Civil Service systems that she has personal knowledge of (the State of Louisiana Civil Service System and Jefferson Parish Civil Service System) the City's system is the only one for which this flexibility is available to current employees.

Vice-Chairperson McClain then gave his opinion that the rule proposal seems restrictive. He cited the fact that an employer could not use this to pay someone who is judged to be more articulate a higher rate. Director Hudson replied that being articulate could be considered when making the decision whether to hire someone. However, being very articulate is not a normal minimum qualification, which usually entails objective and measurable factors. Vice-Chairperson McClain then asked to hear from Mr. Andrew Kopplin, Chief Administrative Officer. Mr. Kopplin stated that this discussion was a rehash of those held for many months prior to the August 25, 2014 passage of the Mayor's "Great Place to Work Initiative." He opined that the staff's proposal would be a move backwards. Director Hudson reminded the Commissioners that, upon the passage of the "Great Place to Work Initiative," there was an understanding that, as problems arose, changes could be made. Ms. Stolp noted that, the fact that staff's enforcement of this Rule only occurs after an employee has accepted a City position (and, perhaps, left other employment), is problematic.

At this point, Commissioner Tetlow moved for the passage of the unopposed Rule change proposal (section "h"). Vice-Chairperson McClain seconded that motion and it was approved unanimously. Then, Commissioner Tetlow moved that discussion on the more controversial proposal (section "g") be reset for six months, until May 2016, to allow for additional training on the use of this rule and to clarify

the language of the proposal. Vice-Chairperson McClain seconded that motion and it was also approved unanimously.

Item #6 on the agenda was Classification and Compensation matters. Item #6 (a) was recommendation for pay amendments to the Management Development Series including related management/administrative classifications. Director Hudson stated that City Council President Head and Vice-President Williams had sent correspondence asking that this proposal be removed from consideration, objecting to a “piecemeal” approach to pay plan changes. She continued, noting that staff recommended that the matter be deferred while the staff worked with the administration to fund a consultant’s more comprehensive pay plan study.

Commission Tetlow stated that the idea for a comprehensive pay plan came from discussions that she had regarding the current, “byzantine,” pay plan. She noted that she has come to realize that a number of classes were created and exist to aid departments with personnel needs, but indicated that that it may be possible to achieve additional efficiencies in the pay plan. Director Hudson and Ms. Norton informed the Commission that, while the currently worded agenda item would not appear in the coming months, developments in the work to change the pay plan would be reported to the Commission regularly.

Carletta Graves, an employee of the Clerk of Council’s Office, noted that this proposal contained many pieces. One was to include additional classes for promotional opportunities; another would address outstanding job studies; a third would deal with issues regarding those working on projects; and a fourth would create classifications for those with human resource specific responsibilities. She noted that the need to address pay for lower-level analysts, who have not received any pay relief for eight years, remains dire and unaddressed with the deferral of this proposal. She implied that the Commission could consider a smaller, more targeted, proposal. Commissioner Tetlow thanked Ms. Graves for pointing out the stakes involved and the need to move on this proposal quickly.

Item #6 (b) was a request from the Fraternal Order of Police (FOP) to grant educational incentive pay to Lt. Bradley Tollefson. Addressing this item was Mr. Hagmann and FOP attorney, Mr. Donovan Livaccari, who represented Lt. Tollefson. Mr. Hagmann stated that the school that Lt. Tollefson attended, Sheridan University, was working toward accreditation. Mr. Livaccari noted that, at the last meeting, the Commission had asked for the accreditation that was held by Sheridan. He said that he had forwarded the information received from the Ontario Ministry of Colleges, Training, and Universities, under which

Sheridan falls, to the Commission. Mr. Livaccari stated that, to consider the equivalence of the accreditation of education from foreign schools, one must rely on the companies whose mission it is to make such determinations. He noted that Lt. Tollefson had paid for such an assessment and that the company had equated the Lieutenant's education to an Associate's Degree earned in the United States.

Mr. Hagmann reminded the Commission that they had asked staff to determine how other jurisdictions would handle a similar situation. He related that he had spoken to jurisdictions who were concerned with the legitimacy of foreign universities, especially Mexican universities. Those jurisdictions would not be inclined to allow a lower standard for incentive pay. Commissioner Tetlow noted that she felt strongly that all foreign universities could not be excluded on that basis alone without additional research. However, in noting the work done by staff, she then moved to deny Lt. Tollefson's request. Commissioner Clark seconded the motion and it was passed unanimously.

Item #6 (c) was a request from NOPD for a special rate of pay for bilingual skills. Mr. Hagmann presented staff's position. He noted that the Commission had approved bilingual skills pay at its last meeting. The rate approved at that time was \$1.50 per hour while using that skill. Mr. Hagmann continued, stating that it was determined that this did not meet NOPD's need in recruiting officers with this skill. He added that NOPD had proposed a 5% increase in pay for bilingual officers. Mr. Hagmann then presented staff's counter-proposal that this pay be a flat-rate of \$1,500 per year, rather than based on a percentage of the employee's salary. He noted that this approach is used for other NOPD special rates of pay for working in the K-9 unit, on the SWAT team, on the Bomb Squad, or in the Marine Unit.

Representing NOPD on this matter were NOPD Deputy Chief of Staff Jonathan Wisbey and Assistant Superintendent Stephanie Landry. Mr. Wisbey stated that this current proposal was made because of requirements of the NOPD's consent decree. He added that some officers may be bilingual, but not divulge this to the department because of the extra work involved. Mr. Wisbey pointed to the percentage-based special rate of pay for working in the Public Integrity Bureau. Mr. Hagmann countered that most other jurisdictions use a flat rate to compensate for this ability and that the proposed \$1,500 is in line with places such as Fresno, Galveston and Fort Worth. Commissioner Tetlow voiced her concern that those places cited would have greater numbers of Spanish-speakers available to become police officers.

Mr. Hagmann then suggested that the rate could be raised, if needed, but that a flat rate would be fairer than one based on a percentage, especially for lower-paid employees. He noted that Police Dispatchers and Complaint Operators, who are lower-paid, could be called upon to use bilingual skills quite often. Vice-Chairperson McClain opined that the percentage increase would be more equitable because those making a higher rate of pay would be called away from their, presumably more responsible duties, to translate. Asst. Superintendent Landry added that an examination required to verify the skill and receive this pay is an added hurdle required for this pay. This, she argued, makes a percentage increase preferred. She further noted that those who serve as instructors for the Civil Service training program can receive five percent above their normal pay. After this discussion, Commissioner Tetlow moved approval of the Administration's proposal. This motion was seconded by Vice-Chairperson McClain and passed unanimously.

Item #6 (d) was a request from NOPD to increase police referral pay from \$1,000 to \$4,000 for each referral. Mr. Hagmann again presented. He noted that NOPD's proposal was that the first \$2,000 of this pay would be paid at the start of the academy and the last \$2,000 would be paid when the employee graduates training and begins work as a Police Officer I. In contrast, Mr. Hagmann noted that staff's alternate proposal would pay \$1,000 in the first increment and \$3,000 after the successful completion of training in the second increment. Director Hudson and Mr. Hagmann contended that this arrangement would provide the officer with greater incentive to ensure the successful completion of training of the recruit being mentored. Director Hudson added that this additional incentive pay was being considered because a recruiting firm has been engaged by NOPD and they are being offered \$4,000 each for finding officers.

Asst. Superintendent Landry noted that NOPD had researched other jurisdictions' stance on this matter. She stated that the only jurisdiction that they found that offered this pay was Houston, which paid \$1,000 on entering the academy and \$1,000 upon completion. Mr. Wisbey added that, as a percentage, only 3% of applicants get to the academy, while 85% are able to complete it once there. Vice-Chairperson McClain then moved approval of the Administration's proposal. This motion was seconded by Commissioner Tetlow and passed unanimously.

Item #6 (e) was a request from the administration for three unclassified EMS management positions: Director, Deputy Director, and Secretary. Mr. Hagmann presented staff's contention that the jobs should remain in the classified service. The administration's stance that the positions should become unclassified was

presented by Mr. Kopplin, along with Dr. Jeffery Elder, the current Director, and Mr. Carl Flores, the Deputy Director. Later in the presentation, Mr. Kopplin clarified that the request was for only the highest two of these positions.

Mr. Hagmann presented first, noting that EMS is not a department as defined by the City Charter, but part of the Health Department. He added that there is case law on the matter and quoted from that ruling. Mr. Hagmann stated that this case held that it was against the law to: 1) take a division of a Charter-defined department, 2) put it under the Mayor's Office, 3) call it a separate department, and then 4) use this as justification to increase the number of unclassified employees, as allotted by the State Constitution. Mr. Hagmann pointed out that, by requiring the head of EMS to report to the Deputy Mayor of Homeland Security in the Mayor's Office, a situation similar to that outlined by the case cited would exist. Using the Bureau of Revenue as an example, he noted that any number of other divisions or bureaus of Charter-defined departments could, likewise, be culled out, required to report to a Deputy Mayor, and then be granted additional unclassified positions.

Mr. Hagmann's next point was that granting these unclassified positions is inconsistent with the intent of Article X of the Louisiana State Constitution to limit departments to three unclassified positions. He noted that the Health Department already has five unclassified position. Further, Mr. Hagmann pointed out that in most other jurisdictions EMS is not a stand-alone department but is part of the Fire or Health Department. Additionally, he noted that in 2004 the Commission had acted on this matter by creating the classified positions that are currently filled. Mr. Hagmann then stated that recent job analysis information on these positions indicated that the work of the positions has not changed dramatically since that time.

Mr. Kopplin responded that since 2004 these positions have been filled by provisional employees. He noted that, as is the case with unclassified employees, the department head could dismiss a provisional employee with no Civil Service repercussions. Mr. Kopplin said that no change in the employment conditions for the employees in these positions is anticipated. He acknowledged that EMS is under the Health Department in the City Charter and to change this would take a vote of the people. However, he noted that the Commission has the ability to create additional unclassified positions. Reading from the Rule regarding the creation of unclassified positions, Mr. Kopplin cited this in supporting the request.

Mr. Kopplin indicated that these positions regularly exercise significant discretion and have policy-making responsibility, citing the size of the department and the number of calls for service that it handles.

Vice-Chairperson McClain asked Mr. Kopplin what would be gained by moving the employees from provisional status to the unclassified service. Mr. Kopplin acknowledged that the two employment statuses are similar. However, he felt that having these positions in the unclassified service would be more “up-front.” Director Hudson added that reasons for employees to remain in provisional status include that neither the employee nor department requests that a position be opened to applications, and that staffing has not been adequate to open lower-priority positions to applications. She also noted that, from earlier discussions, it was clear that the impetus for the request for these positions to be in the unclassified service was a desire for higher pay.

Dr. Elder compared his position’s responsibilities to the Superintendents of Police and Fire. He noted that he felt that his position easily fits into the definition allowing for an unclassified position that appears in the Rules. Following up on a cue from Mr. Hagmann, Vice-Chairperson McClain asked Dr. Elder how this move would benefit the public. Dr. Elder responded that this would set up the position to be appointed by the Chief Administrative Office. He added that he would not be dependent on others when disciplining employees, hiring employees, and serving as an appointing authority. Director Hudson then pointed out that making Dr. Elder’s position unclassified would not be the same as making the position an appointing authority. She noted that as the position would remain in the Charter-defined Health Department. Mr. Hagmann cautioned against the creation of a patronage position.

Mr. Kopplin, in replying to the question of the benefit to the public, stated that the key to this decision is accountability. He continued noting that this was not a “garden-variety” unclassified position request. Mr. Kopplin contrasted this request with other requests for unclassified positions for the Police and ITI departments. He said that those requests were dropped after staff and the administration had reached agreement regarding pay for the positions. Mr. Kopplin then gave his opinion that these two positions need to have accountability to the public through the Mayor. Director Hudson again reminded the Commission that, regardless of their actions today, they would not create an EMS department and this unit would remain in the Health Department.

Commissioner Tetlow argued that whether EMS was a separate department was a matter of semantics. She noted that the administration could first change the City Charter, and then submit this request. However, the Rule, as written, allows the Commission the flexibility to create additional unclassified positions without this step. Commissioner Tetlow then moved approval of the administration's request for two unclassified positions. This motion was seconded by Vice-Chairperson McClain and passed by a three-to-one vote as Commissioner Clark voted against the motion. At this point, about 1:00 p.m., Commissioner Tetlow left the meeting.

Item #6 (f) was a request from PANO on behalf of Ms. Courtney Hebert for a retroactive appointment and back pay for serving as a Criminalist II. Attorney Eric Hessler represented Ms. Hebert, who was present at the meeting. Ms. Elizabeth Robbins from the City Attorney's Office represented NOPD. Mr. Hessler outlined Ms. Hebert's request to be promoted to Criminalist II retroactive to September 2014. He noted that she had only received one promotion in 13 ½ years of service. Mr. Hessler noted that NOPD had denied an earlier promotion because Ms. Hebert was the subject of an open investigation. Mr. Hessler noted that the investigation took four years to complete. He further argued that the section of the NOPD Procedures cited regarding not promoting those subject to investigation applies only to commissioned officers.

Ms. Robbins then spoke. She stated that the denial of a promotion is not part of the Commission's jurisdiction. Ms. Robbins gave two instances in which the Commission may review the denial of a promotion: 1. An allegation of discrimination; and 2. An allegation that a Rule had been violated. She noted that neither of these applies in this case. She then quoted cases from both the Fourth and First Circuits to support her position that promotions are at the discretion of the appointing authority. Ms. Robbins added that Ms. Hebert had previously filed a grievance in July 2012 regarding the abuse of a supervisor's discretion, as evidenced by failing to promote her. Ms. Robbins continued noting that Ms. Hebert, if not satisfied with the outcome of that grievance, had the ability to appeal it to a higher level supervisor, then to the appointing authority, and then to the Chief Administrative Officer. Ms. Robbins held that Ms. Hebert's filing of the grievance was recognition that this complaint is not part of the Commission's jurisdiction. Then, she added that Louisiana law limits the ability to recover on a claim regarding denial of compensation to a period of three years after the event.

Vice-Chairperson McClain asked the Commission's Attorney, Mr. Greene, for his opinion on this matter. Mr. Greene noted that he had not had the advance notice to allow for review of the court cases cited by the City. At this point, Ms. Hebert

read from a text message that she received from Ms. Courtney Bagneris, Asst. Chief Administrative Officer, offering support. Ms. Robbins noted that the City would not object to delaying action on this matter for a month. With this, Vice-Chairperson McClain moved to defer action of this matter. This motion was seconded by Commissioner Clark and passed unanimously.

Item #6 (g) was a request from Attorney Morris Reed, Jr. to appeal the results of a job study for Ms. Linda Paisant. Mr. Hagmann addressed the issue. He noted that staff met with the attorney and will be meeting with the Sewerage and Water Board in hopes of being able to reach a resolution on this matter. Vice-Chairperson McClain moved to defer action of this matter. This motion was seconded by Commissioner Clark and passed unanimously.

Director Hudson informed the Commission that there were two requests to amend the agenda to take up matters not appearing on the agenda. The first of these was a request from Ms. Linda Copeland to approve her appointment to a Management Services Administrator position. Director Hudson told the Commission that, since this item appeared on the last agenda, staff followed the Commission's request to meet with the appointing authority on this matter. At that meeting, staff received additional information from Public Works and agreed to the allocation requested. At that point, staff asked the department head if the matter could be removed from the agenda. Mr. Mark Jernigan, the Director of the Department of Public Works, was amenable to that request and the item did not appear on this month's agenda. Then, Ms. Copeland requested that it be put back on the agenda to make the argument for back pay. Vice-Chairperson McClain asked if there was any reason that the matter could not come up at the next meeting. Ms. Copeland indicated that she had no objection to that. Given that, Vice-Chairperson McClain moved to deny the request to amend the agenda. This motion was seconded by Commissioner Clark and passed unanimously.

The second matter not on the agenda that was raised by Director Hudson was a request from Ms. Norton and Mr. Wisbey to create an unclassified Director of Analytics position in NOPD. Director Hudson informed the Commission that, based on previous meetings, it was staff's belief that this matter could be dealt with at a later Commission meeting. Vice-Chairperson McClain asked if there was an urgency to deal with this issue at this meeting. Ms. Norton and Mr. Wisbey indicated that there was. Director Hudson stated that staff was not prepared to comment on the matter. Vice-Chairperson McClain informed Ms. Norton and Mr. Wisbey that, if they were allowed to make their case, it was unlikely that there would be a final conclusion on the matter at this meeting given that staff could not

provide a recommendation. They indicated a desire to make the case. Therefore, Vice-Chairperson McClain moved that the matter be placed on the agenda for discussion. Commissioner Clark seconded the motion and, because the motion was approved unanimously, the matter was added to the Commission's agenda.

Mr. Kopplin began the discussion by informing the Commission that the position was being requested to allow NOPD to better fight crime. He noted that the administration and staff had discussed whether this position should be classified or unclassified. Mr. Kopplin mentioned that the administration agreed with staff that the position could be classified, if the salary offered was adequate to attract someone with the needed analytic skills. Mr. Wisbey indicated that the position would be critical to NOPD's efforts to improve response time.

Vice-Chairperson McClain asked how long it would be before the position could be filled. Ms. Norton replied that it would be at least two months, given that the position would need to be approved by both the Commission and the City Council. Vice-Chairperson McClain asked Director Hudson when, given its workload, staff could provide a recommendation. She replied that a recommendation could be prepared prior to the next Commission meeting and could be acted on at a special meeting. Director Hudson reminded the Commission that, by prioritizing this item, other work that staff must do would be delayed.

Mr. Kopplin reiterated the urgency of this matter to the public's safety. Vice-Chairperson McClain suggested that perhaps something could be done at today's meeting. Ms. Amy Trepagnier, Personnel Director, Assistant, informed the Commission that when staff had asked for a job description, the administration's response was a brief, six bullet-point, outline of proposed duties. Ms. Norton explained that there were other unclassified employees working in the Mayor's Office who perform similar duties and asked if this would speed up the process. Director Hudson offered, if there are others in these positions and the matter is urgent, perhaps those employees could be reassigned to work with NOPD while this matter is finalized. Mr. Wisbey replied that he does some of this analytic work, but when he is doing this work he cannot then perform his main task of overseeing NOPD Recruitment. Director Hudson's noted that Civil Service staff was placed in a very similar position – that is, staff is asked to work on this matter for the administration to the exclusion of a multitude of other pressing matters.

Chairperson Craig noted that prioritizing this matter was needed, even though it would mean that other concerns could be delayed. Director Hudson suggested that, once staff has the information needed for a recommendation, a special session

of the Commission could be called to act on that recommendation, if needed. Chairperson Craig indicated that she was amenable to that suggestion. Ms. Norton suggested that perhaps the Commission could act immediately, with the stipulation that the action would be contingent on the approval of staff. She added that this could then be taken to the City Council for their approval.

Vice-Chairperson McClain asked the Commission's Attorney, Mr. Greene, if Ms. Norton's suggestion sounded feasible. Mr. Greene voiced his concern regarding the need for transparency both in the Commission's actions and in the information used to arrive at their decisions. He added that no Commission action would be required if there was an agreement to make use of an existing position. However, he continued, if there is no such agreement, the proper mechanism for expedited Commission action would be a special meeting. Chairperson Craig noted that staff's position on the matter was contingent on receipt of information from the administration and asked if that could be provided within the week. Mr. Wisbey replied that staff would receive the information that day. Vice-Chairperson McClain moved that the item be continued until the Commission can establish a special meeting to take up the matter again. This motion was seconded by Commissioner Clark and approved unanimously.

Item #7 on the agenda was Recruitment and Selection Matters. Item #7 (a) was examination announcements. Announcements 9227 through 9248 were presented to the Commission. Commissioner Clark's motion for approval was seconded by Vice-Chairperson McClain and approved unanimously.

Item #8 on the agenda was the Ratification of Public Integrity Bureau (PIB) 60 Day Extension Requests. Speaking on this item was Sergeant Lisa Mimms who requested that the Commission approve as many of these requests for extension as possible. Vice-Chairperson McClain moved that all of the recommendations of the hearing officer for 60-day extensions be approved. This motion was seconded by Commissioner Clark and approved unanimously.

Item #9 on the agenda was Communications. Item #9 (a) was a report on ADP ongoing issues. Speaking were Mr. Michael Brenes from ITI, Director Hudson, Mr. Hagmann, and Ms. Stolp. Director Hudson informed the Commission that there was an on-going issue with ADP staff making data entry, and data-entry errors, after personnel transactions have been approved by staff. Mr. Brenes informed the Commission that, depending on the form being entered, it could be entered by the ADP Data Entry Team or the ADP Manage Payroll Services Team. Director Hudson noted that, one reason more staffing is needed for the

Classification and Compensation Division, is so that staff can review the data entry done by ADP employees.

Mr. Hagmann noted that ADP is a tremendously paper-driven system. He added that Mr. Brenes was working hard on a number of projects including programing police referral pay and the up-coming police pay increases. Mr. Hagmann informed the Commission that the Classification and Compensation Division had made one hire and would be adding another staff member in about a week.

Vice-Chairperson McClain asked if ADP had acknowledged the issue caused by their data entry errors and if they had a plan to address this. Ms. Stolp replied that there was some recognition that errors were occurring, as evidenced by the fact that there are now two teams doing data entry, as Mr. Brenes reported. However, she added that a data-entry error can be discovered only via after-the-fact recognition of the error by Civil Service staff or department-level human resources staff. Vice-Chairperson McClain asked if there was a fix that ADP was working on for this issue. Mr. Brenes explained that the ADP Manage Payroll Services Team was more familiar with the City's processes and adding this team to do some data entry was a step taken to address the problem. He also added that there is an on-going effort to simplify the forms to be completed. Director Hudson asked if there was a way to eliminate the secondary data-entry by ADP staff done after final City approval of a transaction. Mr. Brenes replied that this request was on a list of requests to ADP, but that it is a bigger ADP issue, as this reflects the design of the system. Chairperson Craig noted that ADP needs to ensure that there is as little human error as possible, as they are the vendor who has sold this human resources and payroll system to the City. She informed Mr. Brenes that, in conversations with ADP, they should be informed that the current state of affairs is unacceptable.

Item #9 (b) was a report on Civil Service staffing issues. Director Hudson went over the 2016 budget items that were funded and the requests that were not funded. Vice-Chairperson McClain asked about the budgeting process. Director Hudson explained that, first staff presents a budget proposal to the CAO. Then, the CAO proposes a budget that goes to the Council. Next, the Council holds hearings on this proposal and staff presents its priorities to the Council at those hearings. Director Hudson noted that the CAO had recommended approval of the department's core proposal. However, she added, this proposal did not include all existing staff or promotions for staff that are planned in 2016. Director Hudson informed the Commission that, in conversations regarding this issue with the administration, she was told that it is possible that the positions could be funded through staff attrition in 2016.

Next, Director Hudson reviewed some of the most critical items requested, but not funded. The critical unfunded items discussed were:

1. Continuation of funding for the staff member overseeing the walk-in testing program for Police Recruit;
2. Computer equipment;
3. An increase in funding for the hearing officers;
4. All police and fire promotional exams;
5. Two audit positions in the Classification and Compensation Division needed to:
 - a. review the actions of departments, given their new flexibility with the "Great Place to Work" Rules,
 - b. review payroll and the use of payroll codes, and
 - c. review data entry in the ADP system;
6. A Personnel Administrator, Assistant position needed to function as the recruitment and applicant tracking system coordinator. This position would assist with:
 - a. requests to re-open positions to applications as allowed by the recent Rule changes,
 - b. an increase in requests for provisional appointments, and
 - c. allowing staff to implement the second phase of the NEOGOV implementation; and
7. Restoration of the Test Development and Validation Division needed because of the projected retirement of Rick Carter in 2016. She explained that recent attempts to hire a Senior Psychometrician for this unit have been unsuccessful due to inadequate salaries. Director Hudson informed the Commission that there would be a future request for increasing salaries for psychometrician positions.

Vice-Chairperson McClain asked if any Commissioners were invited to negotiate with the CAO for additional budget considerations. Director Hudson replied that this was not staff's normal procedure and was not done. Next, Vice-Chairperson McClain asked if Commissioners were asked to appear at the Council budget hearings. Director Hudson replied that she had informed the Commissioners of the department's budget hearing before the Council. Vice-Chairperson McClain suggested that it could be beneficial if the Commissioners were aware of staff's budget concerns so that they could negotiate with the Chief Administrative Office. He continued, noting his opinion that there is a need to be strategic in advocating for the funding of staff's requests before the CAO. Responding to an inquiry from Vice-Chairperson McClain, Ms. Norton indicated that she had written down all of the budget issues that Director Hudson listed and would take this information back

to the Chief Administrative Office. Director Hudson informed the Commission that this item will remain on the agenda so that staff can provide up-dates.

With no other communications to consider, on motion of Vice-Chairperson McClain and seconded by Commissioner Clark, the Commission voted unanimously to adjourn the meeting at 1:56 p.m.



Michelle D. Craig, Chairperson



Ronald P. McClain, Vice-Chairperson



Tania Tetlow, Commissioner