

**CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
Monday, November 16, 2020**

The regular monthly meeting of the City Civil Service Commission was held on Monday, November 16, 2020 via Zoom pursuant to the Louisiana Open Meetings Law, specifically, La. R. S. 42:17.1. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Vice-Chairperson Clifton Moore Jr., Commissioner Brittney Richardson, and Commissioner John Korn. Vice-Chairperson Moore convened the meeting at 10:04 a.m. Commissioner Surprenant joined the meeting at 10:09 a.m. At 11:32 a.m. on the motion of Commissioner Korn and the second of Commissioner Surprenant, the Commission voted unanimously to go into executive session.

At 11:56 a.m. the Commission completed its executive session and proceeded with the business portion of the meeting. Commissioner Surprenant exited the meeting during executive session.

Item #1 was the minutes for June 15, 2020, July 20, 2020, October 8, 2020, October 23, 2020, September 21, 2020. Commissioner Richardson motioned to approve the minutes. The motion was seconded by Commissioner Korn and approved unanimously.

Item #2 was a request from the administration for twenty-six furlough days in 2021 in accordance with Rule XII, Section 9. Gilbert Montaña, Chief Administrative Officer, stated that the city tried to avoid furloughing employees. He then presented specifics on what caused the need for the request and what the city was doing budgetarily in 2021 to deal with the anticipated loss in revenue. He noted that a reduction of 78% in one-time money was anticipated in 2021. Mr. Montaña indicated the importance of the city maintaining its bond rating. He stated the request seeks to exempt the lowest paid employees. The furloughs will save an estimated 22 million dollars. If the city receives an unexpected infusion of funds the administration will work to reimburse employees and reduce the total number of furlough days in 2021. If the furloughs are not approved, the city would need to enact layoffs in the amount of the savings from furloughs. This would result in the layoff of 300-500 employees.

Robert Hagmann, Personnel Administrator over the Classification and Compensation Division, stated that in response to the City's request to exempt employees earning less than \$35,000, staff was recommending a phased in approach due to compression issues. Mr. Hagmann provided examples where a ten percent reduction based on a \$35,000 cutoff would create compression issues that would lead to some employees earning more than their supervisors or people in lower job classes earning more than those in higher job classifications. Mr. Hagmann stated that staff had provided the administration with a plan that would add approximately 298 employees to a sliding scale reduced furlough plan with a floor of \$35,000. Mr. Montaña noted that adding these employees to the exemption would cost approximately 1.5 to 2 million dollars. He stated they were open to looking at it should things get better in quarter two or three. Commissioner Korn asked what the threshold would be if Mr. Hagmann's logic was applied. For example, could you set it at \$33,000 and then have the same cost. Mr. Montaña stated that he would have to look at the numbers. Commissioner Moore asked if the burden of the furloughs was shared by all employees, how would it reduce the overall number of furlough days all employees were required to take. He asked Mr. Montaña if that had been considered. Mr. Montaña responded that it had not. He stated the Mayor wanted to exclude those who were affected the most. Those whose families are almost living check to check.

Twenty-two comment cards in opposition to the furloughs were then read into the record. Commissioner Moore stated that furloughs are a tool used to preserve the workforce during an economic crisis but that tool should be used like a scalpel and not a butcher knife. Mr. Montaña responded that he would have preferred to have taken a surgical approach and looked at this quarter by quarter, but that the budget has to be done on an annual basis. We had to include what was manageable for the entire year. He noted that seventy percent of the operating budget is payroll expenses. Not touching that in balancing the budget is almost impossible. Commissioner Korn stated the situation the City is facing is widespread throughout the country. It is incumbent on the Commission to let the administration manage the budget. Furloughs are the lesser evil. Commissioner Moore stated that the tool the administration has is the existing twelve days, more than that there could have been preparations and adjustments before getting to 26 days. This is an emotional issue and I want to make sure the city is doing everything it can. Commissioner Richardson stated she believes Mr. Montaña has presented all the facts. The choice is furlough or layoff. Public safety is the priority, but

that does not diminish the other employees either. This is unprecedented times. Commissioner Richardson then motioned to allow the city to furlough employees for 26 days and give the city the time to work out including or otherwise staggering anyone who makes the \$35k or less. She then clarified that she would like to approve the \$35K and under to give the city flexibility to work with Civil Service to address if there are employees who may fall below the \$35k to address the compression issue. Commissioner Moore stated that he is not philosophically opposed to furloughs especially if they avoid layoffs and preserve our workforce, but he can't see that this approach is necessary at this moment. Commissioner Korn seconded the motion and it was approved by Commissioners Korn and Richardson. Commissioner Moore voted against the motion. The motion carried. It should be noted that Commissioner Surprenant re-joined the meeting during this item, but his vote was not heard due to his phone line being muted.

Item #3 Proposed Amendment to Rule XII, Section 9 Relative to Furlough Adjustments. Director Hudson stated that staff had worked with the administration to draft a rule to allow furlough adjustments to make employees whole if funding became available to do so. She then read the proposed Rule into the record. When the Mayor or other Executive Authority who requested a furlough to avoid layoffs subsequently determines that the circumstances warranting the furlough have changed, the Mayor or Executive Authority may take any of the following actions, subject to the availability of funds: a.) The furlough period may be terminated prior to the proposed end date established when the furlough period was requested and initially approved by the Commission. b.) Upon approval of the Civil Service Commission, all classified employees financially impacted by the furlough may be compensated in equal proportions, up to one hundred percent (100%) of the amount equal to the employee's normal hourly rate of pay times the total reduction in the employee's number of regular work hours as a result of the furlough. c.) No employee shall receive any monetary compensation that exceeds their normal rate of pay at the time of the furlough; nor shall any employee receive more compensation than they would have received had the furlough not occurred. An employee's normal rate of pay shall not include overtime compensation. Mr. Montañó stated the administration wanted to have something on the books should the city receive additional funding via the Cares Act and the city is no longer in a structural deficit.

Christina Carroll, Executive Counsel for the Commission, noted that it was stated earlier that public safety may receive Cares Act funding first. She wants

to make sure that a Rule is not adopted that is contrary to what the city planned to do. Mr. Montañó stated the Rule may have been drafted pre-hierarchical conversations. William Goforth, representing the Law Department, stated the reason the rule was drafted the way it was is that there are concerns about uniformity if employees were not all repaid the same amount. Director Hudson stated she was not sure how the Cares Act would impact the Rule. She stated she thought the intent was to make the employees whole. Mr. Goforth stated it was intended to reimburse employees in a uniform amount across the board even if it was a smaller percentage, for example ten or fifty percent of what they lost. Ms. Carroll asked if the city's intent is to prioritize public safety, if that would create an equity issue if it is limited to commissioned employees of police and fire. Director Hudson responded there would be uniformity concerns as to how that would be implemented. We have never prioritized a refund of compensation for one group over another. When drafting this Rule, we thought everyone would receive the same proportion across the board. The scenario where some employees are prioritized over other is a whole different scenario we did not consider at that time. Commissioner Moore suggested revisiting it at the next meeting in order to allow for the language to be tweaked. Mr. Montañó indicated that it is time sensitive due to the end of the year approaching. Director Hudson suggested a special meeting if necessary. Commissioner Korn motioned to table the item to work on the language and convene a special meeting if needed.

At this time, Commissioner Surprenant stated he had voted in favor item #2, but that his phone line had been muted. The Commission re-voted on item #2. The motion was approved by Commissioners Richardson, Korn and Surprenant and opposed by Commissioner Moore. Item #2 was approved. The Commission then returned to item #3. Commissioner Surprenant seconded the motion and it was approved unanimously.

Item #4 was the ratification of Public Integrity Bureau (PIB) 60 Day Extension Requests. Commissioner Richardson called for public comment. There being none, Commissioner Surprenant moved for approval of the 30- and 60-day extension requests. The motion was seconded by Commissioner Richardson and approved unanimously.

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


CJ Moore (Dec 29, 2020 17:47 CST)

Clifton Moore Jr., Vice-Chairperson


Brittney Richardson (Dec 29, 2020 10:13 CST)

Brittney Richardson, Commissioner


J. H. Korn (Jan 3, 2021 18:57 CST)

John Korn, Commissioner


Mark C. Surprenant (Dec 29, 2020 10:32 CST)

Mark Surprenant, Commissioner