

Item #1

CIVIL SERVICE COMMISSION REGULAR MONTHLY MEETING MONDAY, OCTOBER 20, 2014

The regular monthly meeting of the City Civil Service Commission was held on Monday, October 20, 2014 at 1340 Poydras Street, Suite 964. Present were Commission Chairman Michelle D. Craig, and Commissioners, Joseph S. Clark, Ronald P. McClain and Rev. Kevin W. Wildes, S.J. The Chairman convened the meeting at 10:04 a.m. and proceeded by sounding the Commission's docket. At 10:14 a.m., on motion of Commissioner Wildes and seconded by Commissioner Clark, the Commission voted unanimously to go into executive session to discuss matters taken under advisement and pending litigation. At 11:29 a.m., the Commission reconvened and proceeded with the business portion of the meeting.

The first item on the agenda was the minutes of the September 22, 2014 Commission meeting. The minutes of the meetings were approved unanimously on motion of Chairman Craig, and seconded by Commissioner Wildes.

Item #2 on the agenda was a request for a new classification for the Police Department's NOLA Patrol Program. Mr. Andrew Kopplin, Chief Administrative Officer, introduced the new Police Chief, Michael Harrison. Mr. Kopplin informed the Commission that the administration was proposing the creation of a pilot program called NOLA Patrol to hire a group of civilian employees to assume non-emergency tasks that are currently performed by police officers. He explained that these employees will be assigned to the eighth district and will be funded with the French Quarter improvement fund along with some funds from the City and will cover the entire downtown area. He explained that they will be uniformed, they will not be armed, and will be easily distinguished from sworn officers. He further explained that this program is designed as a cost effective and timely method of supplementing NOPD manpower and freeing up NOPD resources to respond to and investigate more serious crimes. Chief Harrison confirmed that the NOLA Patrol Program would consist of 50 sworn members who would take care of quality of life issues and very minor non-police related activity. He informed the Commission that NOPD will provide five to six weeks of training, giving an overview of the history of law enforcement, NOPD policies, including dealing with the mentally ill and parking citations. He expressed that they would not have arrest powers, but that they will be able to issue summonses and citations for code enforcement violations. Mr. Robert Hagmann, Personnel Administrator, informed

the Commission that at the request of the administration, staff is recommending the approval of a new classification called Police Community Services Specialist. This classification would be at pay grade 53, with a minimum salary of \$25,508, \$12.26 per hour. Chairman Craig requested that the Police Department give a report to the Commission on the status of the program in six months. On motion of Commissioner McClain and seconded by Commissioner Wildes, the Commission voted unanimously to approve the new classifications for the NOLA patrol program.

Item #3 on the agenda was Classification and Compensation Matters. Item #3(a) was the continuation of police salary recommendations. Mr. Hagmann reviewed staff's presentation of a variety of pay increase options for the New Orleans Police Department that were presented at the September 22, 2014 meeting. Staff's recommendation was for a twenty percent pay increase over a period of three years. Mr. Hagmann stated that when staff presented its recommendation, they were asked to look at pension benefits. He informed the Commission that staff looked at pension benefits and the City is not out of line with other jurisdictions. Mr. Eric Hessler, representing the Police Association of New Orleans (PANO), explained that PANO's request for a salary investigation was to address recruitment and retention issues as well as officers not receiving an increase in eight years. He stated that the five percent increase that is being proposed by the administration is a "slap in the face." Mr. Donovan Livaccari, representative of the Fraternal Order of Police (FOP) and Mr. Simon Hargrove, representative of the Black Organization of Police (BOP), spoke in favor of a pay increase for New Orleans police officers. Mr. Nicholas Felton, President of Fire Fighters Association, stated that he supports an increase for the Police Department and asked the Commission to look at pay for the Fire Department who also have not had a pay increase in eight years. Director Hudson informed the Commission that the administration had not officially submitted any proposals for the Commission to consider. Chairman Craig moved to defer the matter until the City Council approves its budget. With no objection, the motion was approved unanimously.

Item #3(b) was a request from CAO's Department of ITI to hire above the minimum for the IT Specialist III (System Administrator) 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 CAO's Department of ITI is in agreement with staff's recommendation to grant a hiring rate above the minimum based on extraordinary qualifications for Mr. Philip Kuzma, IT Specialist III (System Administrator), of \$74,242, 25% above the minimum. On motion of Commissioner Wildes and seconded by Chairman Craig, the hiring rate was approved unanimously.

Item #3(c) was a request from CAO's Department of ITI to hire above the minimum for the IT Specialist III (Project Manager) 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 CAO's Department of ITI is in agreement with staff's recommendation to grant a hiring rate above the minimum based on extraordinary qualifications for Mr. Michael Schmidt, IT Specialist III (Program Manager), of \$88,344, 25% above the minimum. On motion of Chairman Craig and seconded by Commissioner Wildes, the hiring rate was approved unanimously.

Item #3(d) was the recommendation of a new Rule IV, Section 13 related to Holiday Pay and an amendment to Rule I (Definitions). Mr. Hagmann reminded the Commission that the proposed rule amendment was introduced at the September 2014 Commission meeting. He advised that the amendment would provide guidance on how part time employees would accumulate and use holiday pay as well as how an employee's pay is put into the payroll system if leave without pay (LWOP) is used the day before or after the holiday. It will also provide for a substitute off day for exempt employees who have to work on a holiday. Fire Chief Stephen Schmitt again expressed concern with the rule negatively affecting salaries for some exempt level employees in the Fire Department. Director Hudson explained that the holiday pay practice within the Fire Department is not in keeping with Civil Service Rules. She suggested that the Commission recommend a pay study for commissioned Firefighters. The pay for Fire Chief's would be reviewed as a part of that study. Mr. Richard Hampton, President of the New Orleans Association of Fire Chiefs, and Mr. Nicholas Felton, President of Fire Fighters Association, both spoke against Fire Department exempt employees losing pay as a result of this rule amendment. Commissioner McClain made a two part motion. The first part was to approve the amendment to Rule IV, Section 13 and the second part was to call for a pay study for Firefighters. This two part motion was seconded by Chairman Craig and was approved unanimously. Director Hudson then read the proposed amendment to Rule I, number 40 (Definitions). Chief Schmitt and Mr. Hampton both spoke against this change. On motion of Chairman Craig and seconded by Commissioner McClain, the amendment to Rule I, number 40 was approved unanimously.

Item #3(e) was an introduction of a Citywide Compensatory Time Policy and amendments to Rule I (Definitions). Mr. Hagmann introduced a new Rule on compensatory time as well as new definitions to Rule I. He explained that this new rule, Rule IV, Section 9.12 (a) would allow departments to create a compensatory time program for their exempt employees. This rule would also allow employees

who work time above their normal work week to bank time to be used at a future date in whole day increments up to a maximum of 240 hours. Part (b) of this explains how this time may be used. Mr. Hagmann also introduced new definitions for compensatory time, exempt employee and non-exempt to Rule I. He explained that these changes were only being introduced and that staff may get additional feedback and will request Commission approval at the next Commission meeting.

Item #3(f) was a request from the Finance Department for a grade change for the Senior Revenue Field Agent position. Mr. Hagmann informed the Commission that staff was recommending a pay grade change for the classification of Senior Revenue Field Agent from pay grade 65, \$34,368 to pay grade 69, \$37,959, a ten percent increase. He explained that this grade change would allow the classification's grade to be more consistent with the organizational structure of the Revenue Division of the Finance Department. The Finance Department is in support of this pay grade change. On motion of Commissioner McClain and seconded by Chairman Craig, the pay grade change was approved unanimously.

Item #3(g) was a request from the Health Department to appeal a decision regarding the denial of Special Assignment Pay for Ms. Fran Lawless. Ms. Charlotte Parent, Director of Health, asked that the Commission approve her appeal to grant special assignment pay to Ms. Fran Lawless, Health Project and Planning Administrator in the Health Department. Ms. Parent explained that she requested special assignment pay for Ms. Lawless based on Ms. Lawless assuming most of the responsibilities of overseeing the day to day activities of the Healthy Start program. She explained that these duties were in addition to, and separate from, Ms. Lawless' responsibilities over the Ryan White Grant. Ms. Parent also stated that she assumed that the request to Civil Service would be granted because a similar request had been approved by Civil Service for Dr. Jeff Elder, the City's Emergency Medical Services Director. She asked that the Commission consider these circumstances and approve the special assignment pay for Ms. Lawless. Director Hudson explained that Ms. Lawless was acting in a job classification at a lower grade than her current job classification. She explained that Dr. Elder's case was different from Ms. Lawless' case because his additional assignment was in a different job classification. She further explained that Civil Service policy does not permit special assignment pay for doing additional work at the same or lower level and that many requests have been denied based on that policy. Commissioner McClain expressed that he was a little troubled because a similar request was granted for another employee. Commissioner McClain moved to approve the request based on the extenuating circumstances. Commissioner Wildes seconded the request. With a vote of two to two, with Commissioners

McClain and Wildes voting in favor and Chairman Craig and Commissioner Clark voting in opposition, the motion did not pass.

Item #3(h) was a request for an unclassified position for CAO's Service and Innovation Division. Mr. Eric Seling, Director of CAO's Service and Innovation team, addressed the Commission by following up on their request from the September 22, 2014 meeting for a sixth position for the Service and Innovation team. Mr. Hagmann informed the Commission that staff's recommendation was to grant the request for an unclassified position for a Service and Innovation Analyst with a pay of \$75,170.00. Mr. Hagmann also expressed that staff would like to review the position within the next twelve months to determine whether or not the position should be placed in the classified service. Commissioner Wildes moved to approve the request with a twelve month review of the position. Commissioner McClain seconded the motion and the request for a sixth position for CAO's Service and Innovation team was approved unanimously.

Item #4 on the agenda was Recruitment and Selection Matters. Item #4(a) was Examination Announcements #8977 through #8993. On motion of Commissioner Clark and seconded by Commissioner McClain, the announcements were approved unanimously.

Commissioner Wildes left the meeting at 1:00 p.m.

Item #4(b) was a request from the Fraternal Order of Police (FOP) to allow Sergeant Sandra Contreras to take the Police Lieutenant's promotional examination. Mr. Donovan Livaccari, attorney representing Sergeant Sandra Contreras, addressed the Commission explaining that Sergeant Contreras was a fourteen year veteran with the New Orleans Police Department (NOPD) was previously employed as a permanent Police Sergeant in the NOPD. He explained that after working as a Police Sergeant for two and a half years, she left the department for personal reasons and was later reinstated as a Police Officer. Sergeant Contreras has since taken the Police Sergeant exam and was promoted to Police Sergeant again. Mr. Livaccari explained that Sergeant Contreras has an excess of the required experience, but lacks the current permanent status as a Police Sergeant to qualify to take the examination. He asked that the Commission approve his request to allow Sergeant Contreras to take the upcoming Police Lieutenant examination. Ms. Amy Trepagnier, Personnel Administrator of Recruitment and Selection, informed the Commission that Ms. Contreras does not meet the qualifications for Police Lieutenant. Director Hudson suggested looking into the possibility of Sergeant Contreras being reinstated as a Police Sergeant with permanent status. With Commission approval, Ms. Trepagnier and Mr. Livaccari

agreed to work with the Police Department to determine if they would allow Sergeant Contreras to be reinstated as a permanent Police Sergeant and then report back to the Commission at the end of the meeting.

Item #5 on the agenda was the ratification of Public Integrity Bureau (PIB) 60 Day Extension Requests. The Hearing Officer's recommendations on these requests were approved unanimously on motion of Chairman Craig and seconded by Commissioner Clark.

Item #6 on the agenda was Communications. Item #6(a) was an update on the status of back pay related to Hurricane Katrina as requested by Mr. Robert Gebrian. Director Hudson informed the Commission that she sent a letter to the Mr. Andy Kopplin, Chief Administrative Officer, at the Commission's request regarding the enforcement of the Commission's June 21, 2010 order to grant retroactive pay to exempt employees who worked in the months following Hurricane Katrina. She informed the Commission that she had not heard back from Mr. Kopplin or the administration. Mr. Kopplin stated that he received the letter and sent a response that morning with questions for Commission staff. He informed the Commission that he met and reviewed the letter with legal counsel and responded based on the advice of the administration's legal counsel. Mr. Gebrian also addressed the Commission by updating them on this item. Director Hudson stated that she would respond to the administration's questions and keep the Commission updated on the status of Mr. Gebrian's request. Chairman Craig asked for a copy of the June 2010 minutes and agreed that the Commission should be updated once staff has had a chance to answer the administration's questions.

Item #6(b) was an update on the status of the Fire Fighters Association's request regarding New Orleans Fire Department employees working out of class. Mr. Hagmann explained that staff still did not have the requested information, but explained that the Fire Chief is in the process of having the data imported manually into Excel so that it would allow for easy analysis. Mr. Felton expressed frustration with the amount of time that it is taking the Fire Department to submit this information to staff and asked that the Commission use its powers to begin paying Firefighters who are working out of class immediately. Chairman Craig requested a deadline for the Fire Department to submit this information. Mr. Kopplin stated that he would speak to the Fire Chief to see what can be done to provide this information as soon as possible.

Item #6(c) was a report on the ADP Implementation process. Ms. Shelly Stolp informed the Commission that staff is continuing to work through issues with ADP, including incorrect data entry by the ADP team. She explained that some of

the data entry errors are causing employees to accumulate hours of leave that they should not be receiving. She further explained that staff has not been able to communicate directly with ADP nor can they correct errors in the system. Chairman Craig and Commissioner McClain requested information on how staff's issues with ADP are being resolved. Mr. Norman Foster, Director of Finance, insured the Commission that staff's concerns were being worked on. He informed the Commission that he requested that ADP provide Civil Service staff with access to the audit button and is awaiting a response from ADP. He explained that ADP has enhanced their data entry process. He also expressed that he would put Shelly in direct contact with an ADP representative who she can communicate with on a daily basis for help. After more discussion on resolving problems with the ADP system, the Commission moved to the next item.


Item #6(d) was a report on the Attorney General's response to the NOPD Police Recruit referral pay program. Director Hudson reported to the Commission that a letter was received from Buddy Caldwell, State Attorney General, stating that a referral pay program is allowable under state law. Ms. Trepagnier stated that a procedure was developed with the New Orleans Police Department to effect the pay and to collect information by electronic application as well as by paper application.

The Commission then returned to item # 4(b). Ms. Trepagnier informed the Commission that Sergeant Contreras can be retroactively reinstated to the position of Police Sergeant based on Rule VI, Section 4.8 (a). This will give her the required permanent status as a Police Sergeant and qualify her for the current Police Lieutenant examination.

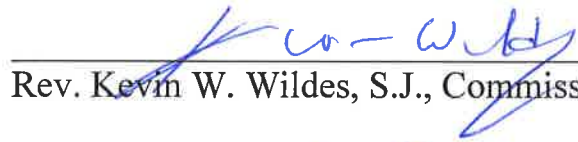
With no other communications to consider, on motion of Commissioner McClain and seconded by Chairman Craig, the Commission voted unanimously to adjourn the meeting at 1:57 p.m.



Michelle D. Craig, Chairman



Joseph S. Clark, Commissioner


Rev. Kevin W. Wildes, S.J., Commissioner


Ronald P. McClain, Commissioner