

CIVIL SERVICE COMMISSION  
REGULAR MONTHLY MEETING  
FRIDAY, JULY 21, 2023

The regular monthly meeting of the City Civil Service Commission was held on Friday, July 21, 2023 at 1300 Perdido Street, City Council Chambers, New Orleans, LA 70112. Amy Trepagnier, Personnel Director, called the roll. Present were Commission Chairperson Brittney Richardson, Vice Chairperson John Korn, Commissioner Clifton Moore, Jr., and Commissioner Mark Surprenant. Commissioner Richardson convened the meeting at 10:04 a.m. Commissioners Richardson, Surprenant, and Korn thanked Commissioner Moore for his service on the Commission. The Commission then proceeded with the docket. At 10:08 a.m. on the motion of Commissioner Korn and the second of Commissioner Moore the Commission voted unanimously to go into executive session. At 10:37 a.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

Item #1 was the minutes for June 23, 2023. Commissioner Surprenant motioned to approve the minutes. Commissioner Korn seconded the motion, and it was approved unanimously.

Item #2 was the ratification of Public Integrity Bureau (PIB) extension requests. Commissioner Richardson called for public comment. There being none, Commissioner Moore motioned to approve the extensions. The motion was seconded by Commissioner Korn and approved unanimously.

Item #3a under Rule Amendments was an amendment to Rule VII Sections 1.2, 1.3, and 1.4 relative to working test periods. Director Trepagnier stated that the purpose of this change is efficiency and transparency. Currently all classified positions have a minimum of a six-month probationary period with some positions having a year long probationary period. All six-month probationary periods can be extended up to a year with proper notice to the employee. Staff is proposing a rule change that would standardize all probationary periods to one year. It provides the Appointing Authority with adequate time to assess a person's performance while giving an employee adequate time to remediate any performance issues during the probationary period. Commissioner Korn motioned to approve the amendment. Commissioner Surprenant seconded the motion, and it was approved unanimously.

Item #4a under Classification and Compensation Matters was a request from the Department of Safety and Permits for a hiring rate for Zoning Administrator Assistant and to create the new classification of Zoning Section Manager. Robert Haggmann, Personnel Administrator over the Classification and Compensation Division, stated this hiring rate is based on the comparable job classification of Planning Administrator, Assistant. The new classification is a result of the expansion of the zoning function in Safety and Permits. This position will oversee either the Short-Term Rental program or the new Healthy Homes program. Commissioner Surprenant motioned to approve the request. Commissioner Moore seconded the motion, and it was approved unanimously.

Item #4b was a request from the Chief Administrative Office for hiring rates to the mid-point for the Information Technology job series. Mr. Haggmann stated these hiring rates attempt to make our rates more competitive in the market. Commissioner Surprenant asked how staff arrived at the 10% figure and if that would make a difference. Mr. Haggmann noted that the 10% was requested by the IT Director who is required to live within the budget for her department. Mr. Haggmann noted that our rates are competitive in the government sector, but not as much in the private sector. He noted that the City's benefits are much more generous. Commissioner Surprenant stated the Commission needs to get some feedback regarding if the rates they are approving are making a difference. Director Trepagnier stated that staff can put together a report for the Commission regarding if hiring rates have increased applications and/or hires. Commissioner Surprenant motioned to approve the request. Director Trepagnier noted that staff is requesting money in our 2024 budget for a comprehensive compensation study to help us keep pay competitive and equip us with tools to quickly address compensation and shifts in the market. Commissioner Korn motioned to approve the request. Commissioner Moore seconded the motion, and it was approved unanimously.

Item #4c was a request from the Juvenile Justice Intervention Center for hiring rates for Juvenile Justice Center Training Coordinator and Juvenile Justice Center Residential Life Superintendent, Assistant. Mr. Haggmann stated that there has been difficulty recruiting and retaining employees for these positions because they are corrections positions. Commissioner Surprenant motioned to approve the request. Commissioner Moore seconded the motion, and it was approved unanimously.

Item #4d was a request from the City Council for hiring rates for the Emergency Management job series. Mr. Haggmann stated there is a recruitment issue for these positions. Director Trepagnier stated that there is also a retention issue because the City has a very visible emergency management function, so our people get recruited

by other jurisdictions. Commissioner Korn motioned to approve the request. Commissioner Moore seconded the motion, and it was approved unanimously.

Item #4e was a request from the Equipment Maintenance Division (CAO) to add additional automotive classifications to the listing of difficult to fill positions eligible for referral pay. Director Trepagnier stated staff had created new positions in the automotive job series to assist with recruitment, so the EMD division has requested that they be added to the list of positions for which City employees can earn up to \$2000 for referring new hires for these positions. Commissioner Moore motioned to approve the request. Commissioner Korn seconded the motion, and it was approved unanimously.

Item #4f was an appeal of the denial of an allocation of Information Technology Specialist III for Austin Morley. Stephanie Dovalina, Counsel for Austin Morley, stated that in October of 2022, Mr. Morely was contacted by the City's IT Department and offered an IT Specialist III position. The New Orleans Public Library (NOPL) for whom Mr. Morely was working as an IT Specialist II then requested an allocation of IT Specialist III from Civil Service. There was already another NOPL employee who was a Specialist III. Mr. Morley subsequently turned down the Specialist III position with City IT. Ms. Dovalina stated Civil Service ultimately denied the allocation stating that it did not meet the test for an exempt level position under the Fair Labor Standards Act (FLSA). During the same time period another NOPL employee's request for an allocation to IT Specialist III was approved by Civil Service. Ms. Dovalina stated that Mr. Morley does fall under the FLSA exemptions. He is engaged in implementing integrations, he is in charge of NOPL's public user sessions, he identifies root causes for problems for the public access computers, and he is engaged in computer systems analysis. His duties for the last six months have been to expand NOPL's IT Department. There is no exemption that Civil Service has cited to keep this allocation from being approved that has any merit under the law. She stated she is requesting retroactive approval of the allocation. Civil Service should not be a gatekeeper for individual departments to handle their personnel needs.

Commissioner Richardson stated that in the job study questionnaire completed by Mr. Morley he indicated that he does not supervise anyone. There is some question regarding responsibilities relative to independent decision making. Civil Service staff made their determination based on what Mr. Morley reported. Director Trepagnier noted that Mr. Morley is not currently listed as the supervisor of anyone in the PERFORM performance evaluation system. Ms. Dovalina stated that at the time of the job study no individuals had been hired. Mr. Morley stated there are now

two new employees. Director Trepagnier noted these employees are assigned to another supervisor in the performance evaluation system. Jerome Pinkston, IT Manager at NOPL, stated the reason Mr. Morley is not supervising people is that he is an IT Specialist II. Director Trepagnier stated that in January Mr. Hagmann told NOPL that once the new lower-level IT Specialists were hired we could go back and look at how Mr. Morley's job would change based on those individuals taking over the lower level duties currently assigned to him. Director Trepagnier noted that staff is still willing to do that.

Christina Carroll, Executive Counsel for the Commission, stated that her opinion is that Mr. Morley's job duties do not meet the FLSA exemption for computer employees or administrative employees and the information provided in the appeal overstated his job duties and is cherry picked from the cases. Based on the job duties submitted in November of 2022, the law does not support his classification as exempt under FLSA. Commissioner Surprenant noted there is no legal support for the claim for attorney's fees. We are trying to find a way forward. Based on the November job study it did not meet the requirements. Commissioner Surprenant told Ms. Dovalina that Civil Service staff is saying you would not be precluded from submitting information that would better reflect his duties going forward.

Commissioner Surprenant motioned to deny the appeal and to deny the request for backpay and attorney's fees. The motion was seconded by Commissioner Korn and approved unanimously.

Item #5a under Recruitment and Selection Matters was the approval of examination announcements 10890-10903. Commissioner Moore motioned to accept the announcements. Commissioner Korn seconded the motion, and it was approved unanimously.

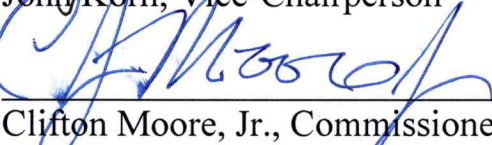
Director Trepagnier stated the City Council is requesting that the Commission add an item to the agenda regarding the creation of two new job classifications. Commissioner Korn motioned to add the item to the agenda. Commissioner Moore seconded the motion, and it was approved unanimously.

Mr. Hagmann stated the two new positions support the public broadcast television function for the Council. This function is currently performed via a contractor and the Council would like to bring it inhouse. Commissioner Moore moved for approval. Commissioner Korn seconded the motion, and it was approved unanimously.

Commissioner Korn moved to adjourn the meeting at 11:36 am. Commissioner Moore seconded the motion, and it was approved unanimously.

  
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Brittney Richardson, Chairperson

  
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John Korn, Vice-Chairperson

  
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Clifton Moore, Jr., Commissioner

  
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Mark Surprenant, Commissioner