

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
Monday, December 19, 2016

The regular monthly meeting of the City Civil Service Commission was held on Monday, November 21, 2016 at 1340 Poydras Street, Suite 964. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Chairperson Michelle D. Craig, Vice-Chairperson Ronald P. McClain, Commissioner Joseph Clark and Commissioner Tania Tetlow representing a quorum. Chairperson Craig convened the meeting at 10:07 a.m. The Commission then proceeded by sounding the Commission's docket. At 10:56 a.m. on motion of Vice-Chairperson McClain and second of Commissioner Tetlow, the Commission voted unanimously to go into executive session.

At 1:48 p.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

Item #1 was the minutes from the November 21, 2016 meeting. Commissioner Tetlow moved to approve the minutes. Commissioner Clark seconded the motion and it was approved unanimously.

Commissioner McClain then made a motion to add an item to the agenda to accept the performance appraisal of the Director of Civil Service. The motion to add the item was seconded by Commissioner Tetlow and approved unanimously. Commissioner Tetlow then moved to accept the performance appraisal done in executive session. Commissioner McClain seconded the motion and it was approved unanimously.

Item #2 was a report on delegation of authority to the Sewerage and Water Board (S&WB). Brendan Greene, Executive Counsel for the Civil Service Commission, reported that during the past four months Sewerage and Water Board employees have screened applications and certified lists. This has resulted in Sewerage and Water Board having direct authority to screen and hire from lists of hundreds of eligible applicants. He stated there still exist some areas of the Rules that require training and redirection. S&WB is currently engaged in a classification and salary study for S&WB specific classifications similar to what the City is undertaking. This has resulted in a vacancy list that fluctuates daily. Mr. Greene went on to state that the October vacancy report listed 347 vacancies including original

appointments, promotions and unclassified positions. Eighty-eight percent have active registers or are unclassified positions, so Sewerage and Water Board can hire into these vacancies immediately. Last month 90% of the vacancies met this criteria so Mr. Greene did not anticipate the figure fluctuating much. Of the remaining 12%, twenty-three are in delegated classes with no register and five are in non-delegated classifications without registers. Mr. Greene noted that some of the non-delegated eligible lists are over a year old.

Mr. Greene further stated that S&WB is in the process of developing a staffing model to be submitted to Civil Service.

Commissioner Tetlow asked how many vacancies are the responsibility of Civil Service. Mr. Greene responded that five vacancies are under the responsibility of Civil Service.

Commissioner McClain asked if S&WB in agreement that the responsibility for 88% of vacancies lies with them. Mr. Greene responded that part of the struggle is determining the actual number of vacancies. Sewerage and Water Board staff indicated there were 267 vacancies to its Board of Directors. There were 347 vacancies indicated on their October vacancy report. He stated there was some variance due to unclassified positions being added and subtracted due to budget issues.

Commissioner McClain asked if Sewerage and Water Board understands that they can hire for a vast number of vacancies without Civil Service staff's assistance. Mr. Greene replied affirmatively and stated he has sent a spreadsheet to S&WB with the information and continues to meet with S&WB. He went on to say that the staffing plan and organizational chart S&WB is compiling will give the Civil Service staff the ability to better meet the needs of S&WB.

Mr. Greene then provided an example of Civil Service staff administering an employment test onsite to individuals graduating from a program at Delgado in order to expedite the hiring process. He stated that the process was much quicker than the nine months indicated by members of the community. Mr. Greene went on to state that he had assured S&WB leadership that the Commission's focus is making sure the S&WB has a qualified workforce. He stated he would continue to meet with S&WB.

Item #3 was a proposed amendment to Rule II to create a new section 8.4: Refusal to Testify; False Testimony. Brendan Greene stated he is continuing to receive feedback on the proposed rule and asked that the item be deferred.

Item #4 was a proposed amendment to Rule VII on Working Tests to change the probationary period from six months to one year for all probationary appointments. Robert Hagmann, Personnel Administrator over the Classification and Compensation Division, stated that staff had proposed this change at the November meeting in order to facilitate the administration of probationary periods. He stated the proposed rule change would standardize all probationary periods to one year. He stated staff had contacted departments and that the overall response of the departments to the proposed change was positive. Staff had also met with Heather Larson of the Service Employees International Union (SEIU). SEIU does not support the proposed change. Mr. Hagmann stated the year probationary period allows management ample time to observe, guide and evaluate performance to see if permanent status is warranted. As such, it is a benefit to the public. The proposed change also eliminates any confusion over the length of the probationary period. Mr. Hagmann stated it should also be noted that the majority of six month probationary periods are currently extended by departments. This change would remove the added step of extending probationary periods.

Commissioner McClain asked if this proposal would extend the period an employee does not have Commission protection. Mr. Hagmann responded affirmatively. Commissioner McClain also asked how the three month assessment comports with what is recommended. Mr. Hagmann responded that the three month period helps to stop problem behaviors if improvements are needed.

Heather Larson, representing the Service Employees International Union, stated that SEIU opposes the extension because it extends the time employees are not covered by Commission protection. She understands that Appointing Authorities would like a whole year to look at performance. She stated that if the three month assessment is not being done, this needs to be fixed before the probationary period is extended.

Ms. Lawson stated SEIU members had contacted 70 personnel boards and heard back from 33. Only three of those had a flat twelve month probationary period. She stated she would rather work to fix staffing levels

at Civil Service to review six month extensions than change the rule. She went on to state that a year probationary period makes sense for some positions, but not all positions. She stated that based on the kind of work performed, you don't need the same amount of time to determine if a person can do their job.

Commissioner McClain asked Robert Hagmann what is the issue with a six month probationary period. Mr. Hagmann stated it is an effectiveness and efficiency issue. The public benefits by performance being vetted by the Appointing Authority.

Director Hudson stated that staff is seeing lots of departments extend the probationary period.

Joshua Smith, a Library employee, stated that the probationary period of employees are automatically extended from a six month probationary to a year at the Library. Due to this, no one looks at an employee's performance at the end of the six month. He stated that if the probationary period is extended, no one will look at performance until the 11th hour. He further stated that employees cannot make life plans based on probationary employment.

Commissioner Tetlow reminded Mr. Smith that at will employment is the norm for a vast majority of people in this country. She stated that we need to make sure the three month evaluation is happening. There is no point in having a person in a job if they are not doing it well.

Erdwin Fuentes, a Human Resources Manager at Parks and Parkways, stated his department is in favor a one year probationary period. He stated Parks and Parkways has high turnover rate and the department often has issues with employees immediately after they gained permanent status.

Commissioner McClain asked how many three month assessments have been performed. Mr. Fuentes responded that he had performed three. He stated he has made a list to track it and he developed a form for supervisors to use. He stated his department had 40 terminations so far this year out of 130 employees. Twenty were terminated under 1 year of employment, seven after permanent status had been granted (35%).

Commissioner Tetlow moved approval of the proposed rule amendment. No second was made, so the motion failed.

Item #5 was a recommendation from the Civil Service Staff for an exception to Rule XI on Performance Evaluation to extend the performance planning session time period for the 2017 evaluation process. Amy Trepagnier, representing Civil Service Staff, stated that the city is moving to a goal setting performance management system. Staff has been working with the Chief Administrative Office to develop the new form and process to be used by all departments. Staff has been training the departments on the new forms and processes. By Rule, the evaluation planning period is to occur from September 1st to December 31st. However during training, the feedback received from the departments was that due to the new form, the departments needed more time to take the form back to their employees and hold the planning sessions. Staff asked that the planning period deadline be extended from December 31st to January 31st in order to allow the departments more time to train their supervisors on the application of the form. This is a one-time exception.

Commissioner Tetlow moved to approve the exception. Commissioner McClain seconded the motion and it was approved unanimously.

Brendan Greene requested that the Commission add an agenda item to address a specific issue with Rule XI as it pertains to Sewerage and Water Board. He reported that he had received a request from S&WB requesting a one year extension on implementation of the new form and process.

Since no request was received in writing, the Commission did not motion to add the item to the agenda.

Item #6(a) under Classification and Compensation Matters was the FLSA Exemption Status change of Civil Service Classifications. Robert Hagmann, stated the FLSA status change approved by the Commission at its November meeting had not been implemented due to an injunction against the changes. The Chief Administrative Officer had agreed to put the changes on hold. He stated staff is seeking approval to maintain the prior exemption status of such classifications until a final determination is made by the courts.

Commissioner McClain moved for approval. Commissioner Tetlow seconded the motion and it was approved unanimously.

Chairperson Craig instructed staff to keep the issue at the forefront since a change could happen at any time due to an appeal by the Department of Labor. Director Hudson stated the change could be implemented in advance of Commission approval if necessary.

Item #6(b) was a report on Overtime usage for various City Departments who have exceeded the limits in accordance with Rule IV, Section 9.7(a).

Robert Hagmann reported that staff had presented a report at the November meeting of employees who had exceeded or were expected to exceed the overtime threshold. He reported that the overtime threshold is 750 hours for public safety and special events departments and 416 for all others. He further reported that the administration had responded to the request for information and provided an explanation of the activities that required overtime over the threshold. He stated that it is concerning that some overtime exceeded 20 hours per week consistently. Additionally, a couple of employees made over 2000 hours of overtime which converts to an additional 38 hours per week. He stated that research shows that when a person works eight 60 hour work weeks, productivity is reduced to that of a standard 40 hour week. Mr. Hagmann also noted the possible impact on standards of living when overtime is reformed.

Commissioner McClain asked if people have exceeded the threshold without advanced approval. Robert Hagmann replied affirmatively. Commissioner McClain asked if there are any consequences for not seeking prior approval. Director Hudson replied that the rule did not include a consequence. Robert Hagmann stated that staff has requested a report of overtime on a quarterly basis.

Item #6 (d) was a request from PANO to extend the 10% special rate of pay granted to Sex Crime Detectives to all other Detectives. Robert Hagmann stated that the special rate of pay is actually 5% for the Special Victim's Section (SVS). Eric Hessler stated this is actually PANO's third request for the expansion. He stated he would focus primarily on Homicide today because he felt the special rate of pay could be granted for the same reasons the Commission gave the SVS detectives a raise. Commissioner Tetlow asked if people did not want to work in Homicide. Mr. Hessler responded affirmatively. Commissioner Tetlow stated there was a serious disincentive to serve in SVS. Mr. Hessler responded that the department is losing Homicide Detectives. He stated the department is down from 29 to 18

detectives. He further stated that there is no advantage to working in Homicide. Commissioner Tetlow asked what is the case load in Homicide. Mr. Hessler replied that it is supposed to be six. He stated that recommended number had already been exceeded by October. Commissioner Tetlow noted that in SVS it is more than 90 per year. It is supposed to be 26. Mr. Hessler stated that as the work load increases on these officers they are dying to get out of the division which in turn increases the workload of those left behind.

Commissioner McClain asked if the Police Superintendent supports the request. Mr. Hessler stated that in December of 2015 Deputy Chief Stephanie Landry said the issue would be addressed in the first quarter of 2016.

Jon Wisbey, Deputy Chief of Staff at NOPD, stated that the Superintendent supports more pay across the board. With regard to the special rates of pay, those have been used for specific policy reasons to attract people to positions that were traditionally unattractive. He went on to state that 10-15% of Police Recruits say they want to be Homicide Detectives. He said the SVS increase allowed NOPD to solve a need within a particular unit. The Superintendent has not made a request for a special rate of pay for Homicide.

Commissioner Tetlow stated that the Homicide Division needs more detectives, but the issue is not that there is an open spot that cannot be filled.

Jonathan Wisbey stated that the spots are open due to a lack of personnel throughout the Police Department and not due to a lack of desire to perform the work.

Mike Glasser, representing PANO, stated that the issue at SVS was a stigma problem. In Homicide there is a different issue. Per capita New Orleans has more murders than Chicago. Homicides are up, but the Homicide Unit has shrunk. The size of the department has not changed. He stated we cannot fill the positions with qualified people. We have been losing qualified people to outside agencies. When the department loses 100 people and hires 100 they are replacing tenured people with rookies. The caseload is too high. We want to attract people from throughout the Police Department.

Jonathan Wisbey stated that the number of available officers is what causes spots to go unfilled. Those hired within the last three years are not eligible to work homicide. All detective units in the department are overworked.

Eric Hessler stated that the 18 people doing the work of 29 should be compensated.

Commissioner Tetlow moved to reject the request from PANO to extend the special rate of pay to the Homicide Division. The motion was seconded by Commissioner McClain and approved unanimously.

Commissioner Tetlow left the meeting at 2:40 pm.

Item #6(d) was a request from former Finance Operations Manager, Marilyn Richardson, for uniform pay within the Finance Department. Ms. Richardson was represented by Attorney J. Author Smith III and Justin Delaune. Mr. Smith furnished a packet of information to the Commission including nine exhibits, two affidavits, one from Ms. Richardson and one from Mr. Delaune who had reviewed the Civil Service records pertaining to this matter. Ms. Richardson, former Finance Operations Manager, worked for the City since 1982 and retired in April of 2016. She is appealing for what she alleges is a misallocation of Finance Operations Manager and Revenue Collection Supervisor. From 1990 to 2005 Ms. Richardson worked as a Revenue Collection Supervisor. In 2005, she was promoted to Finance Operations Manager in the Revenue Bureau. The two positions had been treated differently historically with a two pay grade separation between them. In 2006, the Finance Department proposed that Finance Operations Manager be allocated to pay grade 88, five grades above the Revenue Collection Supervisor. He went on to state that in 2008, the Finance Department asked for a two grade difference. That did not happen. In the 2008 pay plan both were allocated to pay grade 88.

Mr. Smith further stated that Mr. Delaune made a public records request to determine why there was a departure from what was recommended by Finance. Staff was very helpful in producing those documents. Mr. Delaune found there was no justification for the dissimilarity in the record. The Finance Operations Manager job description distinguishes it as the third in command in the Bureau of Revenue above the Revenue Collection Supervisor. The Finance Operations Manager involved a much broader

range of duties than the Revenue Collection Supervisor. He stated the duties were bureau wide.

Director Hudson stated that this matter came up in November of 2009. There were equity concerns brought to the Commission at that time. The Commission addressed the concerns of employees who came before them at that time.

Commissioner McClain asked if the pay study could address this issue. Director Hudson responded that it could possibly. She further stated that staff would like time to read the material produced. She stated the Commission may also want to hear from the Finance Department regarding their concerns.

Mr. Smith noted we are talking about retroactive reallocation and pledged his full cooperation. Director Hudson noted that there are additional Finance Operations Managers that may be affected.

Commissioner McClain moved for deferral of this item. The motion was seconded by Chairperson Craig and approved by all.

Item #6(e) was a request from the classified Management Development employees to restore the relationship between the Management Development job series and related classes and the Accountant job series. Josiah Morgan, an NOPD employee, stated that while he agrees with what was done with the Accounting positions, there is the same recruitment and retention issue with the Analyst series as with the Accounting series. He stated that three new Analyst positions had been allocated to NOPD. Two offers of employment were declined based on the salary. He asked the Commission to consider restoring the uniformity between the Accountants and Management Development job series. He further stated that he only earns approximately \$44,000 per year as the Assistant Personnel Director of NOPD. He stated that someone off the street will make \$8,000 more than him as an Accountant.

Tekoko Poche, a Civil Service employee, asked the Commission to revisit a pay raise for the Management Development Analyst series. She stated that there is a retention issue in Civil Service as well.

Commissioner McClain asked if the pay study would address this issue. Director Hudson stated she would think the study would look at this issue. There is a concern about separations in the Analyst series. She stated the contractor is supposed to look at all positions in City government and they will decide whether to maintain current relationships or change them based on survey data.

Brenan Greene stated that this issue was specifically identified for the contractor as an area of need. The initial work is being done now. The contractor's goal is six months, but Chairperson Craig has given them a shorter timeline. The Commission can keep this on the front burner by addressing it every month.

Ms. Poche stated that she understood that there is a study, however there was a study going on when the Accountants received their increase. Several departments have asked for increases after the study was in the works.

Commissioner McClain stated that the most recent action was due to expediency in hiring and retaining Auditors.

Ms. Poche stated that there has been a retention issue with Analysts in Civil Service as well.

Joseph Lieteau, an employee of the Fire Department, stated that with the implementation of the 2008 pay plan there was a lot of equity broken. He stated he has been waiting since 2008 to have the equity of his position restored. He stated he makes a base of \$60,000 and those he worked with in Finance make a base of \$78,000. He stated he does two jobs that pay \$57,000 each.

Carletta Graves, a City Council employee, agreed that Analysts should be treated like other professionals in accounting. There is going to be turn over in accounting positions because people need governmental experience.

Charita Red, stated she works in Grants Management. She supports the request. Analysts work with the Accountants and are asked to train them. A pay study is not the best use of money.

Doddie Smith, an employee with the Civil Service Department, stated that requests for hiring rates from other departments have come before and after

the Analyst Series request and have all been approved. She stated the turnover rate at Civil Service is greater than all of what Finance stated they had with Accountants. The Analyst series used to be well ahead of Accountants and Auditors but because Finance asked, those salaries have surpassed those of Analysts. Ms. Smith asked if the contract had been signed. She further asked that if the contract took thirteen months to be approved how long will it take to implement any changes.

Chairperson Craig stated she had met last week regarding the contract and the areas the Commission wants the contractor to focus on. All parties have been committed to be off to the races with getting the study performed once the contract has been signed.

Ms. Smith noted that piece-mealing happened after the Analyst Series increases were rejected in November of 2015.

Mr. Lieteau stated that he wanted to be sure that an accurate assessment of what employees do is used for the study. Director Hudson stated that everyone will be sent a questionnaire.

Josiah Morgan asked if an interim measure can be taken until the pay study is complete.

Commissioner McClain moved deferral.

Doddie Smith noted that approving the Accounting hiring rates will cause retention issues with the Analyst series because Analysts with Accounting degrees will move over to the Accounting series.

Brendan Greene advised employees to build their case for the outside entities.

Item #7(a) under Recruitment and Selection Matters were announcements #9458 to #9464. Commissioner McClain moved to approve the announcements. Commissioner Clark seconded the motion and it was approved unanimously.

Item #7(b) was amendments to the Police Recruit Announcement. Amy Trepagnier stated the new Police Recruit test was in the final phase and the

job announcement needed to be changed to reflect the new test. She stated that NOPD had approved the announcement.

Commissioner McClain moved to approve the announcement. Commissioner Clark seconded the motion and it was approved unanimously.

Item #8 was ratification of Public Integrity Bureau (PIB) 60 day extension requests. Chairperson Craig called for public comment. There being none, Commissioner McClain moved to approve the extensions. Commissioner Clark seconded the motion and it was approved unanimously.

Item #9 (a) under communications was a report on ADP ongoing issues. Director Hudson noted that since Robert Hagmann had left the meeting there was nothing to report at this time.

Item #9(b) was a report on Civil Service Budget and Staffing. Director Hudson reported that there was nothing to report at this time.

Item #9 (c) was a report on comprehensive classification and salary study. Director Hudson noted that this item had already been covered earlier in the meeting.

There being no additional business to consider, Commissioner McClain moved for adjournment at 3:21 pm. The motion was seconded by Commissioner Clark and approved unanimously.



Michelle Craig, Chairperson



Ronald McClain, Vice Chairperson



Joseph Clark, Commissioner