

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
Monday, February 25, 2019

The regular monthly meeting of the City Civil Service Commission was held on Monday, February 25, 2019 at 1300 Perdido Street, 1st floor City Council Chambers. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Chairperson Michelle Craig, Commissioner Clifton Moore, Jr., Commissioner Stephen Caputo and Commissioner Brittney Richardson. Chairperson Craig convened the meeting at 10:10 a.m. At 11:09 a.m. on motion of Commissioner Moore and the second of Commissioner Richardson, the Commission voted unanimously to go into executive session.

At 11:36 a.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

Item #1 was the minutes from the January 28, 2019 meeting. Commissioner Moore moved to approve the minutes. Commissioner Caputo 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 Commission, reported that based on a meeting between the Civil Service Department and S&WB he had sent a revised set of metrics and outcomes to S&WB and was waiting to receive a response. He stated that the idea is to use February and March to level set and also to conduct training for S&WB staff. That time would also be used to get Civil Service staff training and access to S&WB's new HRIS system in order to access data used to be used for metrics. This would be done with the expectation that in September or October there would be a presentation to the Commission and it would determine if delegation is effective based on the metrics presented. Commissioner Craig noted the need for timelines working backward from the September/October date to ensure that the metrics are provided in order to make a decision at that time. Mr. Greene replied that he hoped to put that document on the record at the Commission's March meeting. Commissioner Moore then asked what happens if S&WB does not accept the metrics as proposed. Mr. Greene responded that if that were the case then both sides would need to present their arguments before the Commission. He noted that the metrics have not been

the issue, the issue is what remediation looks like along the way leading up to September/October of 2019.

Item #3 was a request from the New Orleans Firefighters Association and the Fraternal Order of Police requesting amendments to the “Great Place to Work Initiative” (GPTW) rules. Donovan Livaccari, representing the Fraternal Order of Police (FOP), stated that in his role as an attorney for FOP he represents about 400 officers a year and speaks to many others. The greatest concern of these officers at this time is the method by which promotions are being made. He noted that the Commission is aware of these issues in part due to the Achord and Gillard decisions. He noted he had two additional similar protests pending on behalf of patrolmen regarding the last Sergeant’s list as well as another one on the current Sergeant’s list. He stated that the intention is to address these issues by rule change in order to avoid addressing them individually each time someone gets passed over for promotion. He noted that he had submitted a written proposal to the Commission. Mr. Livaccari stated that he had attended many meetings with the previous administration during the beginning of the “Great Place to Work Initiative”. He noted that during that time it was repeatedly stated that problems with promotions did not exist within the Police and Fire Departments because they had very robust promotion systems. The problems they were attempting to address were in the smaller departments. Mr. Livaccari stated that with that in mind, our attempt is to change the way larger promotional lists are handled which may allow the smaller departments to have the flexibility they desired in the beginning. He noted that the current proposal was in cases where the lists are determined by written exam or job simulation where the lists are compiled in banded lists and the individuals are certified off that by the Director utilizing the rule of three as was done in the past.

Aaron Mischler, Firefighters Association of New Orleans, stated that in 2014 the “Great Place to Work” initiative was passed despite the concerns of firefighters. At that time the city’s proposal specifically stated that these changes would not allow more political influence into the classified system and would not eliminate or erode Civil Service protections. Mr. Mischler further stated that Firefighters were skeptical because how could a process that removes objectivity and offers no transparency not allow political influence into a classified system. Due to the City Attorney’s refusal to accept the decisions of the Personnel Director, the Commission and the 4th Circuit Court of Appeals, our concerns have been realized. Mr. Mischler noted that at the January Commission meeting Mr. William Goforth, of the City

Attorney's Office, objected to the orders of the Commission and 4th Circuit to promote and suggested that merit could have been determined by no less than twelve different methods that would have each yielded a different result. Mr. Mischler stated that this ideology is concerning to anyone who values fairness or transparency. Firefighters are not seeking such a drastic action as repealing the entire "Great Place to Work" in its entirety. He noted that firefighters are specifically excluded from Rule IV Section 2.5 on merit increases, so it would stand to reason that they could also be excluded from the rule changes regarding promotions. Firefighters and the FOP join with the intention of proposing an amendment to Rule VI that would exclude Police and Fire from the new language and replace it with the pre "Great Place to Work" language as an alternative for the two departments. Mr. Mischler noted that the Civil Service Director stated that she could not support a proposal that only included two departments which has led to the proposal that has been presented today. He noted that the operational needs of Police and Fire are different than those of other departments. Both are para militaristic organizations. Split second decisions are made that are a matter of life and death for both employees and the public. They should not be held to the same operational standards as an office setting. The command structure inside the fire service thrives on leadership. A leader cannot be measured by the sole matrix as an office supervisor. Subordinates must have trust in that leader whose decisions can impact their life safety. For newly promoted leaders that trust comes from faith in the system that promoted them. The overwhelming majority of men and women at NOFD do not have faith in the promotional system. Despite the "Great Place to Work's" claims that the changes would result in a workforce with a higher morale, this has a highly adverse effect on the morale of firefighters and the ability of newly promoted leaders to command the respect that will make them effective in that role. Although the Civil Service rules in place prior to the "Great Place to Work" were not infallible, they yielded the best results they could each time. One can assume this is why a working test or probationary period was established. This working test period gives appointing authorities the ability to terminate or remove a promotion from those who prove to be inefficient, or unable to enforce or follow department rules, regulations or operating guidelines or are unwilling to perform assigned duties via department initiatives. The former Civil Service Rules allowed for an objective, measureable merit based system for employment and promotion while maintaining checks and balances via the working test period. It allowed for flexibility by the appointing authority by using the rule of three. He noted that he could not find a single instance during the last 20 years where a member of the Fire Department had been demoted

for job performance during the working test period. This leads to one of two conclusions, that either the former system worked as intended in successfully providing the department with competent leadership or that the appointing authority failed to identify poor leaders and take the appropriate action. Either of these conclusions support that the rule changes have been an abject failure.

Commissioner Richardson asked how banding best suited the department and how that worked. Mr. Livaccari responded that banding had resulted from the Williams Consent Decree which had arisen from a lawsuit based on discrimination in the promotional process. Banding was effectively used to combat discrimination while leaving the appointing authority with a certain amount of flexibility. The bands are created using a scientific method that is developed by the employees of the Civil Service Department. The bands accurately represent performance on the examination while leaving the appointing authority with a certain amount of flexibility.

Chris Landry, representing the FOP, stated that Police Officers want a defined career path. This goes to recruitment and retention. Commissioner Craig asked Mr. Landry if he believed that changing the rule back would help in that regard. Mr. Landry responded that he believed it would. He stated that under the current system the test becomes pass fail so it is not aligned in the same way. Commissioner Craig asked if there were statistics to support that recruitment and retention was worse since the rules were changed. Mr. Landry stated that officers who are high on the list and are skipped over for lower scoring officers wonder what more they can do. Commissioner Craig asked if the test would be the only factor. Mr. Landry responded that it would be one of the factors because banding would allow them to look at a smaller group based on test scores and pick who they thought would be the best one to promote. Mr. Mischler noted that the NOFD does have statistics on problems with retention. In the past three years 86 new Recruits have been hired. We have lost over 20% of them to other opportunities because of career path. Mr. Mischler noted that a person could spend years following a career path based on the current appointing authority and then that appointing authority changes. There is no guarantee that the next appointing authority has the same feelings about the job that the former appointing authority did, so that person wasted years following a career path based on how the former appointing authority saw things.

Mr. Livaccari then pointed out that the entire band counts as one person for the rule of three, so the rule of three isn't necessarily three names. It could be 15 or 20 names because the band is considered equal for that purpose. Commissioner Craig asked if they had reached out to the city for their input. Mr. Livaccari stated that they had reached out to the Police administration. Commissioner Moore stated that the fact that there were no probationary period failures for 20 years and now there are two lawsuits is a line of demarcation. Commissioner Richardson then asked if the Personnel Director would have any issues with the banding request. Personnel Director Lisa Hudson responded that banding is what was done for many years prior to the "Great Place to Work" rule changes. She noted that staff would support banding and has no issues with banding. Commissioner Moore noted that he is particularly familiar with the issues that go on in regard to the promotional process, especially with the Fire Department. He stated he understood the need for the proposal that has been submitted. He noted that his fellow Commissioners may need time to review it. Director Hudson offered to make a presentation on how banding worked. Commissioner Craig stated that would be a good idea. She then went on to note that the Commission's procedure is to let proposed rule changes holdover in order to receive feedback and input on the proposed changes. She stated she wanted everyone to have an opportunity to comment on what a fair process looks like.

Eric Hessler, representing the Police Association of New Orleans, stated that the evidence that the current system is not working is the Civil District Court saying that it is unconstitutional and a report from the Civil Service Commission saying it was applied unconstitutionally. He stated that that is the evidence that the rules are incorrect. Commissioner Craig clarified that they were applied unconstitutionally. Mr. Hessler stated that nothing has been done to address the unconstitutionality of the application. We know that the former system is constitutional. He noted that the officers and firefighters in attendance at the meeting are present because these things affect their careers and their ability to be promoted. They are here to ask the Commission to protect them as they protect us. He stated that if police and fire employees do not know testable concepts it is a problem. He stated that they are asking for a fair, constitutional system as applied. The rule of three gives discretion without given unfettered discretion because a person knows someone who called in and said can you do this for me. The constitution exists to protect that from happening. Mr. Hessler stated that the current system is not working for Police and Fire because they are para-militaristic organizations. You have to have faith in your leadership or people get hurt. He suggested

that the Commission go back to the rule of three while it studies the problem as opposed to keeping in place an unconstitutional system as applied. He suggested doing so until we get guidelines that make it constitutional.

Randolph Daniel, a Police Officer employed with NOPD for almost 12 years, stated that the promotional process to Sergeant is negatively effecting his morale and that of many others. In the past, officers took tests and were placed in bands. Officers were then picked from those bands. Those that scored higher were placed in higher bands. That method was fair. The current Sergeant's list is made of up 95 officers. He stated he worked hard to make the list, but he is unsure he will get promoted because it seems that the process is based on who you know. The process is unfair and lacks transparency. About two dozen officers have been promoted, but some of the highest scoring test takers have not been promoted. He questioned how the people who were promoted were selected. He stated that those who were skipped over deserve to know the reason so that they can work on correcting the issue. That way we know it is fair and not political in nature. When promotions are allowed at whim it tears apart on officer's ego, his drive to become better, their heart and their dedication to their career. It also hurts morale and service. Changes need to be made to the process to make it fair again. He suggested that time in service should also be a factor and not just test scores. He stated he believed the Commission and Superintendent Ferguson could work together to make the system fair again.

Nicole Gallagher, a Fire Captain, stated that in 2016 she was promoted to Fire Captain under the rules of the "Great Place to Work" initiative. She stated that there were candidates who were higher on the register than she was who were denied promotion. As a female in a male dominated job she worked hard to gain the respect of her coworkers. She stated that while she should have been happy about her promotion, she was left feeling upset because some of her coworkers who she viewed as family were denied the same opportunity. She stated that she was concerned that her leadership would be called into question and that it would be assumed that she was only promoted based on her gender and not her merit. Under the old system she may or may not have been promoted at the time she was, but at least the reason for her promotion would never be questioned. As a woman it is hard to be respected. She stated she has been on the job 14 years, but every day she has to earn that respect over and over again. If she had been promoted with banding like she was for every other promotion in her career then people would know that she was meant to be in the spot she is and that she wasn't just chosen because she is a

girl. Captain Gallagher then asked the Commission to consider returning to banding because there are a lot of women under her and she wants them to be in the position she is in because they worked hard and earned it and never be questioned that they only got in that position because they are a girl.

Thomas Meagher, a 35 year veteran of the Fire Department, stated that he had participated in all types of tests and promotions and there was never anything so unjust as what is taking place now. When the person who scored number one on the Captain's list is skipped and the person who scored 117th on a combined written and oral test is promoted we have a problem. The atmosphere in the department is stressed. This does not work for our type of command system. He asked the Commission not to put this off, stating that while the amendment is new the problems has been around for a least three years. Delaying action will lead to the loss of more intelligent, skilled people from the Police and Fire Departments.

Johnathan Wisbey, with the Chief Administrative Office, stated that they were encouraged by the discussions between Mr. Livaccari and his colleagues and the Police Superintendent regarding proposed changes. He wanted to make sure it was clear that there is not yet full consensus on this matter and the administration is not yet able to support the full proposal before the Commission. He further stated that given enough time he was hopeful they would come before the Commission with something both the unions and the city could agree to. Commissioner Moore asked Mr. Wisbey if there was something in particular in the proposal that concerned him. Mr. Wisbey responded that he had just received the proposal and had not had time to review it.

William Goforth, an Assistant City Attorney, encouraged the Commission to take the time to fully review all proposals before them. He noted that consultation with the city has not been completed. He stated that it was mentioned that a court had found the "Great Place to Work" rules unconstitutional as applied, but that was incorrect. In the Achord case, the only appeal that has gone before the 4th Circuit, the issue of constitutionally as applied was not on appeal. The court did not consider that issue and has not made any rules as to the constitutionality as applied in any particular promotion. Commissioner Craig asked what was on appeal. Mr. Goforth responded that there were procedural issues regarding what the proper remedy would be. Mr. Goforth then noted that NOPD's returning to banding might

create an issue with the Federal Consent Decree since it includes a list of factors that must be considered for promotions.

Mr. Livaccari stated he was happy to try to work to reach a consensus prior to the Commission's next meeting. He suggested refraining from making promotions until such time as both sides either agree or disagree. In response to Mr. Goforth he noted that there have always been policy restrictions in terms of promotions regardless of whether it was a banded system or not. Before the consent decree existed there was a rule that said you could not be promoted if you had an open disciplinary investigation. People who had open disciplinary investigations were skipped until that disciplinary investigation was closed. The consent decree does not play a factor in this.

Director Hudson stated that at its previous meeting, the Commission ordered staff to conduct an investigation of the "Great Place to Work" rules and make a presentation to the Commission. She noted that staff is not ready at this point to do so, but would take the information from all parties into consideration. She stated she wanted to be clear that the Commission would not be taking action at this meeting.

Eric Melancon, NOPD's Deputy Chief of Staff, stated that this issue is very important to the superintendent and he is interested in building a consensus on the issue.

Keith Joseph, representing the Black Organization of Police (BOP), stated that currently officers are not having fairness, opportunity and job advancement. Morale is down among the police officers. He stated nothing in the consent decree changes what was done before with the band of three. Under that system everything was great. Under the current system where you can pick the last person on the list there is no transparency or accountability.

Commissioner Craig stated that this item would be held over to get as much information as possible and the recommendation from the staff.

Item #4 (a) under Classification and Compensation Matters was the introduction of an amendment to the Pay Plan for a one-time operational efficiency special rate of pay. Jonathan Wisbey stated that often the best ideas for generating efficiencies and cost savings come from the bottom up instead of the top down. This program intends to incentivize rank and file workers and provide them an avenue to give the city recommendations on how it can

better operate and save money. Part of the proposed stipend would be received upon submitting an idea that is vetted by the Chief Administrative Office and meets certain criteria. Once that idea is accepted they would be eligible. Once that idea is implemented they would be eligible for an additional stipend. This proposal is similar in many ways to the NOPD recruitment and mentorship pay as far as how it is set up. He asked that a vote be deferred until the March meeting in order to give time to work toward a consensus.

Item #4(b) was a request for an equity adjustment relative to the recent application of Rule IV, Section 2.7(d) for Extraordinary Qualifications within the Civil Service Department. Robert Hagmann, Personnel Administrator over the Classification and Compensation Division, stated the issue is a result of the pay adjustments that were made to the job classification of Personnel Administrator in January. The gap of 22.5% between the Personnel Administrator and the Deputy Personnel Director got reduced to 11.25%. The issue here is to maintain uniformity in the pay plan. A similar adjustment would need to be made for Personnel Director. There is a considerable difference in the responsibilities of the Personnel Administrator and the Deputy Director. The Deputy basically acts as the appointing authority. It has levels of authority that much exceed the Personnel Administrator. Even with these adjustments the Director and Deputy Director would be some of the lowest paid Director and Deputy Directors in other departments. The Commission is being asked to approve an equity adjustment of 11.25% to maintain the distance in the job classifications. Commissioner Craig clarified that Mr. Hagmann was saying that the changes the Commission made resulted in compression issues and this would essentially correct those. Mr. Hagmann responded that it would resolve those compression issues.

Erdwin Fuentes, a Parks and Parkways employee, asked if Civil Service is the only department known to have this equity issue under Rule IV Section 2d. If it is, it seems unfair that you would correct this problem in Civil Service, but there are other departments who have dealt with this too. Mr. Hagmann responded that the special qualifications adjustment and the hiring rates created the issue. The way to resolve it is to make the corrections in the Pay Plan. Amy Trepagnier, Deputy Personnel Director, stated that equity requests from other departments had not yet been received. Mr. Hagmann noted that this would not be a retroactive increase.

Commissioner Craig asked Director Hudson if she acknowledged that granting this request would have cascading effects on any salary adjustments made pursuant to this rule. The impact could be severe if we allow this. Director Hudson responded that it may be because when you act on hiring above the minimum it could cause other compression issues. Staff has not received any similar requests asking for equity adjustments because of this. She stated that she would have to agree that it does cause issues. Ms. Trepagnier stated that she would think that those issues should be addressed because you do not want to set up a situation where people do not want to take on supervisory positions because they are not being compensated at a much higher rate; it is just a small increase to take on a lot more duties, responsibilities and stress. Commissioner Craig asked if the rule specifically addresses increasing the salary of supervisors. Mr. Hagmann responded that you would be doing it to maintain the uniformity of the Pay Plan. You would be setting a hiring rate on the job class. Commissioner Craig stated that at some point we have to figure out how to make this what it should have been which is a compensation review every few years to adjust everyone as needed, not all of these piecemeal adjustments. Ms. Trepagnier stated that what you are seeing for these high level human resources positions, is that a de facto minimum is now being set for our bureau managers out in the departments like Mr. Fuentes' position, the Personnel Administrator positions, and the Police and Aviation personnel positions. You've raised the salaries for those positions, so it seems like it is an ongoing permanent change to that level. That is why we are asking for a hiring step for the positions that are over those lower level positions. It seems like the market has already spoken in terms of those positions. Commissioner Moore stated that it probably makes more sense to have some sort of regular review. It seems as though the consideration at this point is a financial one. It is going to cause a financial crisis to some degree. Ms. Trepagnier reminded the Commission that a regular review would only raise the base for positions and that it does not raise the wiggle room allowed for under extraordinary qualifications pay. When SSA reviewed the positions they found that the 22.5% gap between my position and the lower level positions was appropriate for market. If they look at it again they are going to say that the 22.5% gap is appropriate for market, but when you have that my subordinates are able to get the 15 or 25% increase as a result of hiring above the minimum, but I can't get that, then you close that market gap that SSA or another consultant would place upon those two positions. It artificially narrows that gap without the ability to concurrently raise the higher level positions. When departments are applying this rule it is something they should be cognizant of which you see in the state's rule. How it affects the

positions above that position because as you see here there is a real effect going from a 20% pay gap that goes down to only 7.5%.

Commissioner Moore said he wanted to make sure there was a way to do it that does not require every single department coming before the Commission to do so. Is there a way to come up with a system of review that covers it. Ms. Trepagnier suggested that when we consider a rule revision the Commission may want to consider authorizing the Personnel Director to make equity adjustments in departments. Commissioner Craig stated that she thinks it is something that should be considered, but the Commission needs to think about both the how and what will happen as a result. The Commission's goals are to address these issues as a whole. We understand that the compression issues are very real. Commissioner Moore stated that the extraordinary qualifications provision is where all of this starts. Commissioner Craig stated that she would like to see some research on how we can do this in a manner that does not cause the significant issues that it is going to cause. Commissioner Caputo agreed. Commissioner Moore stated that the Commission could direct its Counsel to investigate a system of review that would take this issue into account. Commissioner Craig agreed.

Commissioner Moore stated that if we do this now at this moment it is a new rabbit hole. Mr. Greene stated that he is currently working on this with the administration in trying to address this and see what other jurisdictions do especially keeping in mind the equal pay act, Title VII, the EEOC's guidelines with respect to compensation and the constitutional requirement that the Commission administer a uniform pay plan. He stated he would like to put together a comparator assessment of other jurisdictions and try to work with the Civil Service Department and the administration in tackling this particular rule in the wider context of legal demands that are going to be on the Commission. Commissioner Craig stated that she wanted to be clear that the Commission understands the problem, but she wants to stop as much piecemeal work as possible. Ms. Trepagnier asked if they would be able to make this request again after the changes have been considered. Commissioner Craig stated that she would not oppose that. Commissioner Caputo stated that he would agree with the direction Commissioner Craig was suggesting.

Item #4(c) was a request to appeal the omission of salary increases for the Financial Systems Administrator in the 2009 and 2016 pay plan amendments. Mr. Hagmann stated that this item had been before the Commission at its last

meeting. He stated that the issue is that Roeling Burns is in the job classification of Financial Systems Administrator. Equity adjustments were made in 2009. There was a new pay plan at that time which changed pay grades. Equity was broken based on market rates. The Treasury Bureau Chiefs were put at a lower level than the Assistant Comptroller. These employees came before the Commission in November and December of 2009 and the Commission granted their request for grade adjustments. In this case, Mr. Burns is asking that this equity be put in place retro to 2009. Mr. Hagmann noted that staff had voiced its concerns at the prior meeting. Those concerns included the retroactivity of the request, the Marilyn Richardson case where the Commission said that she waited too long to make her request and that there were other people who were similarly situated whose grades did not increase to the same level as Comptroller so there are other people who could make similar claims. Mr. Hagmann noted that the Commission had requested a cost estimate. Mr. Burns' pay would increase from \$90,000 to \$100,000. The back pay is estimated at \$81,000.

Mr. Burns stated that for the first 16 years his position was always equal to the assistant bureau chiefs, so when these increases went through this position was omitted because it is a one person position. Technically, it should have remained at the same level as the assistant bureau chiefs. He said the first time he heard of this issue was when the issue with the Assistant Comptroller receiving more than the bureau chiefs was straightened out. Mr. Burns stated that he brought his concern to the Personnel Director, but had not heard back. Mr. Hagmann stated that these were requests made by individual employees and not the department. He noted that the Finance Director at the time did not object. Mr. Burns stated that he was the only one who was left out. Commissioner Craig asked Mr. Burns if he had come before that Commission at the time he contacted Director Hudson. Mr. Burns responded that he did not know what he was supposed to do, so that is why he reached out to Director Hudson. Director Hudson responded that she did not recall speaking with him and that she did not have an email record or any other document from Mr. Burns. Mr. Burns stated that he had reached out to Courtney Bagneris and she had reached out to Ms. Hudson. Ms. Hudson responded that she has searched her email and had not found any record.

Commissioner Craig clarified that the inequity Mr. Burns is noting occurred with the 2009 pay plan. He stated he waited until after other employees had come before the Commission to try to address the Personnel Director. He again stated that his position was the only one that was left out. Director

Hudson stated that there were a number of other positions that were brought to the Commission's attention at that time. Mr. Hagmann stated that in 2009 grade adjustments were made that broke equity based on market pay. Relationships changed as a result of that pay plan. Later that year when the employees came forward, the Commission agreed with the employees. Commissioner Craig clarified that the request was for a pay plan amendment retroactive to 2009. Mr. Hagmann agreed that would be the ask and stated that it would go before the City Council if the Commission approved it. Commissioner Craig asked if there was any case where this had been done that would allow the Commission to do this type of thing. Mr. Greene stated that he had given a legal opinion as to the retroactive nature of the request. He noted he was unable to find any case law where a retroactive pay plan adjustment was found to be proper within the action of the Commission's action and the prohibition under the constitution of a gratuitous payment. Commissioner Craig noted that the problem with this request is that it is from 2009 which was ten years ago. She stated that the Commission runs the risk of other matters taking a similar trajectory. Mr. Hagmann suggested doing a job study on Mr. Burns' position to see if his level of responsibilities were commensurate with the assistant bureau chiefs. Commissioner Craig asked if it would be enacted retroactively. Mr. Hagmann responded that it would be prospective. If staff felt that those duties were commensurate they would come back next month with grade changes. Mr. Greene asked if SSA had benchmarked this position. Mr. Hagmann responded that SSA thought that the grade was appropriate. He stated that he could not find Mr. Burns' questionnaire in the SSA records. Commissioner Richardson asked if the Commission could get more information from SSA and look at the information staff can provide as far as the classification and what is comparable at this point moving forward. Commissioner Craig suggested deferring the item until the Commission has the information it needs and that Mr. Hagmann will do some research on what the salary looks like on a prospective basis. Mr. Hagmann stated that if he cannot find the SSA information he will get Mr. Burns to complete a questionnaire. Commissioner Richardson motioned to deny the request for retroactivity. Commissioner Moore seconded the motion. The motion was approved unanimously. Commissioner Craig stated the Commission would like to look at what Mr. Burns' job looks like on a prospective basis. Mr. Hagmann will bring additional information back to the Commission to determine if there is a situation in which there should be a higher pay rate prospectively. He stated that the Commission has denied anything that would be retroactive. It would

be a pay adjustment, if any, going forward after we determine if that is something that makes sense.

Item #4(d1) was a request from the Aviation Board for retroactive Pay Plan increases for Sheldon Demas and Conrad Chanove Jr. due to exclusion based upon special rate of pay. Mr. Hagmann noted that items d1, d3, d4 and d5 had been settled or were about to be settled. The only item remaining before the Commission is item #4(d2).

Item #4(d2) was a request from the Aviation Board to retroactively apply Rule IV, Section 2.7 (d) for Extraordinary Qualifications pay relative to the position of Police Human Resources Administrator to Renee Brunt, Airport Services Manager. Mr. Hagmann stated that the request would be to adopt the pay increase retroactive to January when the increases were given to the Personnel Administrators. He noted that the Airport has a position that is at the same level of Personnel Administrator. Staff supports Aviation's request for an 8.75% increase for the current incumbent who acts as the Personnel Officer for the Aviation Board. Mr. Hagmann cautioned that this job is in a classification at the Airport that includes approximately 23 or 24 other people, but noted that Ms. Brunt has over 20 years of experience in Human Resources which is a unique attribute. He stated he would not rule out some discontent among the other Airport Services Managers. Alexandra Norton, representing the Aviation Board, stated the other Airport Services Managers had received the across the board raise that went to other employees. Aviation is satisfied that a lot of their positions are market rate. There are a few with issues. Director Hudson noted that Ms. Brunt's position is equivalent to the Police Human Resources Administrator which is the same position that the Civil Service Personnel Administrators equated their position to. Ms. Brunt meets the same qualifications requirements under that rule which is why staff supports the request. The request would be retroactive to January 28, 2019 when the Personnel Administrators received their increase. Commissioner Caputo motioned to approve the request. Commissioner Moore seconded the motion and the motion was approved unanimously.

Item #4(d3) was a request from the Aviation Board to reinstitute a hiring rate for Airport Electrical Services Manager for retention/recruitment challenges. This item was deferred.

Item #4(d4) was a request from the Aviation Board to approve minimum qualifications for Krischin Hazure, the Airport Contracts Manager (Airport

Services Agent), to include a specific degree or to change Civil Service's interpretation of "Professional Experience" especially for existing City Employees. Ms. Norton noted that Civil Service staff had found a solution that did not require Commission action. Commissioner Craig advised Ms. Norton to submit a proposed rule change to address any issues she still had.

Item #4(d5) was a request from the Aviation Board for an exception to Rule IV, Section 2.7 for Airport CPA-Engineering candidate Tony Claiborne due to significant recruiting challenges and a request to remove the question about accepting the minimum salary from the application. Ms. Norton noted that Civil Service staff had found a solution that did not require Commission action.

Item #5(a) under Recruitment and Selection Matters was the approval of examination announcements 10,056 to 10,070. Commissioner Craig moved to approve the examination announcements. The motion was seconded by Commissioner Moore and approved unanimously.

Item #5(b) was a request for a six month extension of the Fire Recruit register. Director Hudson noted that the existing register is due to expire on April 30th and it is staff's understanding that the Fire Department may be asking to hire additional candidates from the register. Commissioner Craig asked if anyone in the room opposed the extension. Commissioner Moore moved to approve the extension. The motion was seconded by Commissioner Richardson and approved unanimously.

Item #6 (a) under Rule Amendments was an amendment to Rule IV, Section 7 relative to Hiring above the Minimum. Director Hudson noted that a proposed amendment to this rule had been received from the administration. She noted the Mr. Wisbey submitted the proposal and thought that it would mitigate many of the concerns raised about the rule while maintaining flexibility. Director Hudson noted that staff had reviewed the proposal and found that none of staff's recommendations for changes had been included. Staff has concerns about what the administration has proposed. She noted that staff would be meeting with the administration regarding the proposed changes the following week.

Item #6 (b) was the introduction of an amendment to Rule VIII, Section 9 relative to Parental Leave. Director Hudson noted that the changes included a requirement that employees work with the city for 12 months prior to using

parental leave which is in keeping with the existing CAO policy on parental leave. As a result of the physical demands and impacts of child birth Biological mothers may use up to six weeks of parental leave to recover from any pregnancy related disability. In addition, the biological mother may use up to two weeks to bond with her newborn child or children. This rule change is to provide for consistency between genders with regard to parental leave to ensure that the six weeks is for recovery. The male counterpart is offered two weeks for the purpose of bonding with their newborn. Director Hudson noted that this was an introduction of the Rule change.

Item #7 was the ratification of Public Integrity Bureau (PIB) 60 Day Extension Requests. Commissioner Craig called for public comment. There being none, Commissioner Moore motioned to approve the request. Commissioner Caputo seconded the motion at it was approved unanimously.

Director Hudson then made a request to add an item to the agenda. She stated that staff was making the request with support of the Director of Human Services. Commissioner Richardson motioned to add the item to the agenda. Commissioner Moore seconded the motion. It was approved unanimously and the item was added to the agenda. Mr. Hagmann stated that staff is proposing three new job classifications for Human Services. The first position is Youth Study Support Services Superintendent. This position is part of an initiative to focus on the rehabilitation of the detainees at the Youth Study Center. The position would be at pay grade 86 step 13 with a hiring rate of \$67,218. It will require a related bachelor's degree and a licensed clinical or master social worker or other special certification. The second position is the Youth Study Center Residential Life Superintendent. This position would focus on the day to day management of the facility with a focus on rehabilitation and improving the conditions for the residents at the Youth Study Center. The position would be at 87 step 20 with a hiring rate of \$75,170. The third position recognizes the unique maintenance requirements of a justice system facility. The Youth Study Center Maintenance Superintendent would be at pay grade 82 step 13 with a hiring rate of \$60,859. All three positions are exempt from overtime.

Johnathan Wisbey then asked the Commission to defer one of the positions stating that qualifications and pay grades would prohibit them from finding qualified candidates. With regards to the Maintenance Superintendent and Residential Life Superintendent, the best way to proceed is to approve these classifications, put them out and see the quality of applications that we get in

and then we may retain the right to come back and ask the Commission for revisions in the future. With regard to the Support Services position we would ask that you defer this item and allow us to work with the staff to refine that. Director Hudson stated that this is not the information we received on Friday. The Residential Life position specifically is exactly what the department asked for with no changes. Mr. Wisbey stated that he had not received the breakdown of positions until late last week. Since then Dr. Webster has asked the staff to do research into the market rates and the qualifications for similar positions at the state level.

Director Hudson stated that if we are not on the same page she would prefer to defer the whole thing. Commissioner Caputo and Craig agreed with Director Hudson. Director Hudson stated that staff was trying to rush approval because staff thought they were in agreement with the department. If there are issues staff would like to hear what they are before proceeding. Mr. Wisbey stated there are issues and a need for expediency as well. He stated he is not aware of any rules that prohibited changing job descriptions. Director Hudson stated it would have to go back before the commission and the Council. Commissioner Craig asked Mr. Wisbey how long he knew he was not in agreement because he could have simply called the staff to let them know he was not in agreement and we all could have not had our time wasted. Mr. Wisbey stated there was a meeting scheduled for Thursday of last week that was cancelled by Civil Service. Ms. Trepagnier stated that the meeting was regarding psychological screenings and it had nothing to do with these positions. Mr. Wisbey stated that there was another call on Friday that was just between Dr. Webster and Ms. Trepagnier where he was made aware of the requirements and salaries. Subsequent to that meeting he asked the staff to review it further. Ms. Trepagnier stated that she has spoken to Dr. Webster, the Director of Human Services, on Friday and he said he was ready to move forward with the positions. Director Hudson stated she would like to come back with all of the positions at the March meeting. Ms. Trepagnier stated that the positions were approved as a package. They are tied and that if you make piecemeal changes to one job it may affect another job it is tied to. Stephanie Henning, with the administration, stated that they were notified by Dr. Webster very recently. She stated it was an isolated situation. He is fully supportive of the other two positions. She stated she did not understand how it was a package deal. We are working with the Youth Study Center specifically to restructure the organization as a whole, so the Youth Study Center is going to be coming back and back with further requests. It was a staged approach and this was the first stage mainly because of the urgency we

do have. While we want to defer one of the three positions, we should look at them as three separate positions. Commissioner Caputo motioned to defer the whole package until March. Commissioner Moore seconded the motion to defer and it was approved unanimously.

Item #8 (a) under Communications was a report on the status of the Pay Disparity Study. Director Hudson noted that staff is working on the contracts for SSA and Dr. Burk. SSA's contract is with the Mayor for approval and staff has completed the review of the contract for Dr. Burk and the contract is being routed through the system. A kickoff meeting will be scheduled shortly.

Item #8 (b) was a report on ADP ongoing issues. Robert Hagmann noted that there was nothing to report at this time.

Item #8 (c) was a report on the Civil Service Budget and Staffing. Director Hudson reported that the cubicles in Recruitment had been installed. She acknowledge Shanquell Wilson on her team for her hard work on completing this project. She also thanked Property Management for their assistance with moving furniture.

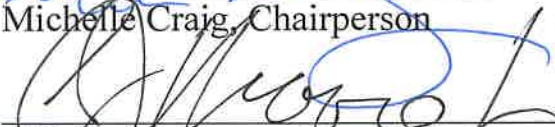
Item #8 (d) was a report on departmental vacancies. Amy Trepagnier reported that staff had presented similar information at the August Commission meeting in order to keep the Commission apprised of current classified vacancies and what staff is doing to fill those vacancies, what the city's needs are and identify how staff can help meet those needs. Currently, there are 297 bona fide classified vacancies. NOPD and Human Services have the most current vacancies. NOPD is hiring civilians which will help free up police officers. Civil Service traditionally has large eligible lists for these positions, so we do not anticipate any issues with filling those civilian vacancies. The 297 current vacancies are down from 366 in August. This puts the city at a 6.7% vacancy rate down from 8.2% in August. Ms. Trepagnier stated that there were 37 direct hire vacancies that did not require an eligible list. She noted that there were current eligible lists for 95% of vacancies that require a list. 68% of classifications with vacancies are currently open to applications which means that anyone can apply for those positions right now. Eligible lists range in size from one qualified applicant to 390 with an average of 85 qualified applicants on the lists. Commissioner Craig asked which departments the direct hires were located in. Ms. Trepagnier responded that they are in various departments. Most of those positions are Laborers and there are some Office Assistant Trainees. She noted that this list does not

include S&WB employees. It has been since March of 2018 that staff received a vacancy report. S&WB is transitioning to a new payroll system and has represented that once that transition is complete, staff can generate smart reports with that information.

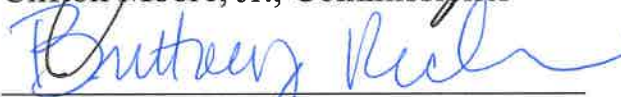
Commissioner Richardson motioned for adjournment at 1:43 p.m. The motion was seconded by Commissioner Moore and approved unanimously.



Michelle Craig, Chairperson



Clifton Moore, Jr., Commissioner



Brittney Richardson, Commissioner