

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
Monday, November 20, 2017

The regular monthly meeting of the City Civil Service Commission was held on Monday, November 20 at 1340 Poydras Street, Suite 964. Personnel Director Lisa Hudson called the roll. Present were Chairperson Michelle Craig, Commissioner Tania Tetlow and Commissioner Clifton Moore, Jr. representing a quorum. Chairperson Craig convened the meeting at 10:02 a.m. At 10:37 a.m. on motion of Commissioner Tetlow and second of Commissioner Moore, the Commission voted unanimously to go into executive session. At 11:09 a.m. the Commission completed its executive session and proceeded to consider an item from that morning's docket, Keith Montgomery verses Sewerage and Water Board.

At 11:40 a.m. the Commission proceeded with the items from its business meeting.

Item #1 was the minutes from the October 10, 2017 and October 16, 2017 meetings. Commissioner Tetlow moved to approve the minutes. Commissioner Moore seconded the motion and it was approved unanimously.

Item #2 was a presentation from SSA Consultants of the final report on the Comprehensive Classification and Salary Study. Christel Slaughter, representing SSA, noted that SSA had begun the project six months ago with a request for data including information on pay plans, benefits, and organizational charts. The city had assisted with getting a job analysis questionnaire online for completion by all employees. A few thousand responses were received. SSA then worked with the Administration and Civil Service to determine benchmark jobs, resulting in 132 benchmarks. This represents approximately 1/3 of all jobs with incumbents. SSA conducted interviews with department heads and members of the City Council. Ms. Slaughter further noted that SSA then conducted a comparative market match for benchmark jobs. SSA used a number of data sources for the core jobs within the city including Towers-Watson, Mercer, the Economic Research Institute, other cities, the Bureau of Labor Statistics, the State of Louisiana and proprietary information. SSA looked at core jobs and also performed three custom compensation studies for Police, Fire, and Aviation. The city is competing locally for talent with private and public

employers and sometimes nationally for positions at higher pay grades. Ms. Slaughter stated that for the police study, NOPD had already looked at several cities. SSA also looked at the Louisiana State Police, surrounding parishes and other comparable cities like Atlanta, Charlotte, Dallas, Houston, Jacksonville, Memphis, Nashville and Orlando. Ms. Slaughter reported that for the Fire study, SSA looked at places where they were told that firefighters might leave city employment to go to. For example, neighboring parishes and regional areas such as Baton Rouge, Jefferson Parish, Mandeville, Bossier City, Lafayette, Shreveport, St. George, Slidell, and Kenner. SSA also looked at data from Atlanta, Birmingham, Hoover, Alabama, Dallas, Houston, Huntsville, Kansas City, Memphis, Miami, Mobile, Nashville, Oklahoma City, Plano, Saint Louis, and San Antonio.

Ms. Slaughter stated that for the Aviation study, the Airport had purchased a database from Airports Council International, which included data from Broward County, City of Phoenix, Hartsville-Jackson, Atlanta, Maryland, Wayne County, Charlotte, Dallas-Ft. Forth, Hillsborough County, Metropolitan Washington Airport Authority, Chicago, Orlando, Houston and Minneapolis-St. Paul. Typically, salaries take an enormous jump as the size of the airport increases. The city is in a middle tier.

Ms. Slaughter stated that SSA realized after working with the Administration and Civil Service that it would be most effective to stay with the current salary range, pay grades and step system. The current salary range is 22% below the mid-point and 28% above the mid-point. This should allow for the moving of employees through the range with a lot of room to grow. However, currently this is not the case. Most employees are clustered in the lowest end of the salary range. SSA also looked into purchasing power since the last pay plan revision in 2008. Housing and health insurance costs have gone up significantly. The average salary growth in the New Orleans region over that time period was 14.2% (1.8% per year). She noted that the city also has significant turnover in some classifications. Civil Service has done a good job of trying to come up with special entrance rates to try to get people in at competitive market rates. The reality is that good people will leave if they are not moving up through the range. She noted that turnover is very expensive.

Ms. Slaughter then listed SSA's recommendations. First, the city should raise the pay plan by 10% for all jobs excluding Police, which has a special proposal. This includes Fire and Aviation. The city needs to commit to funding annual merit raises. The lack of movement makes it difficult for

current employees to stay. The fact that the city is not moving its labor grades and rewarding people for meritorious service means that the city is stifling its labor base. Even small increases every year is better than leaving things fallow. Ms. Slaughter stated that the city should allow departments to hire up to the first quartile for exceptionally qualified candidates. The midpoint is where a qualified and competent person should be after seven years of experience. Bringing people in at the midpoint is unusual for public entities. There are compression and equal pay issues.

Ms. Slaughter stated that the rule of thumb is an outside market study should be conducted every three years. Civil Service staff does conduct studies for hard to fill positions, but you need that annual maintenance. If the administration and Council had moved the pay plan by a step each year, SSA would not be in this situation recommending a ten percent increase. Even with the ten percent increase, the city will still have classifications that need special entrance rates. SSA is committed to working with Civil Service staff on those positions which could be as many as 50.

Ms. Slaughter further recommended that the Commission should receive reports from department heads on turnover. She noted that pay is not the only reason for turnover. She noted that SSA also recommended the removal of classes that are not in use. In some cases, there are some selected classifications that need to be added.

Ms. Slaughter noted that there is an opportunity for more of a partnership with the administration. SSA has worked with Civil Service systems where there are talented human resources professionals on the administrative side, and the healthy tension between Civil Service and the administration is a healthy dynamic. She stated that if the city had a human resources series where people received professional development and were well trained they could guide managers and department heads on good human resources and Civil Service practices which would improve operations and reduce the burden on Civil Service staff.

Ms. Slaughter stated that SSA sees organizations moving away from testing and formal entrance requirements in terms of internal progression. She noted that staff has started doing so and recommend that it continue.

Ms. Slaughter stated that SSA had been asked to consolidate job classifications. The way the system is set up right now, for example, with

different levels of office assistants, if you did not receive continued funding, that would be the only way that those people could get promoted. She stated that SSA was not recommending that en masse at this time. She noted that if there is a commitment to funding, then there is an opportunity for more broad banding.

Ms. Slaughter noted that the classified service could benefit from the identification of high potential employees and give them an opportunity to move through the departments and see how the city operates.

Regarding benefits, Ms. Slaughter stated that SSA found that health care costs are high and that the city needed to push to reduce those costs. She noted that SSA supports NOMERS pension recommendations, but cannot endorse a particular set without actuarial information. She stated that SSA has found that that newer employees do not find pensions attractive.

Finally, Ms. Slaughter noted that the city should remove the residency requirement, as it artificially distorts the market and makes it hard for lower level employees to live in the city.

Ms. Slaughter noted that the ideal implementation would be to fully fund the 10% recommendation. The cost would be approximately 11 to 12 million dollars. She stated that there is interest in starting with the lowest pay grades. If you start with the lowest pay grades you will need to involve staff to figure out job families and how to eliminate compression issues. It is doable, but more complicated. Everyone can agree that the people at the lowest pay grades have been struggling. A lot of employees feel that they have been struggling too. Partially funding the plan is probably the most fair and equitable way to do it. If the city had 2 million dollars to spread across the pay plan, everyone would move up about a step. It would need to be followed up in years two and three with more money. Additionally, there are some targeted positions that are hard to fill, but not as many as SSA sees in other public organizations. Some organizations would choose to target those. She recommended that implementation should be done within three years or else the data will be old.

Commissioner Craig asked if assisting with implementation would be covered under SSA's current contract or another one. Ms. Slaughter responded that a fair amount of it would be covered under this contract.

Commissioner Tetlow stated that presumably there is some significant variation as to how far off market salaries are. She questioned how SSA picked 10% for everyone. Ms. Slaughter explained that typical methodology with benchmark jobs is that you pick representative jobs and study those intensely and match them with various cities, databases, etc. She noted that 10% covers the vast majority of the variance that was found. Commissioner Tetlow questioned if the 10% recommendation didn't just lock the variance into place at a higher level. Ms. Slaughter responded that the pay plan is one piece. Policies and procedures move people through the ranges. If the midpoint of the range matches the market, then you should be able to place an incoming person with seven years of experience where existing employees with seven years of experience are. It is a dynamic and elastic situation. Moving the midpoints by 10% gets the vast number of positions to market. Commissioner Tetlow asked if it was just not part of SSA's instructions to be more precise than that. Ms. Slaughter responded that is how pay studies are done and noted that there are 55 jobs SSA would like to work on further with Civil Service staff.

Rebecca Atkinson, representing the Chief Administrative Office, stated that the Administration is appreciative of the hard work done by SSA and being able to collaborate with Civil Service. The administration is committed to implementing the proposal and is working to explore different options to improve pay equity.

Director Hudson stated that at this point when a proposal has been officially submitted on the record, staff normally sends it out to departments to get their feedback. She stated she would recommend doing that. Rebecca Atkinson stated that the administration would like to concurrently assemble the steering committee next week.

Director Hudson stated that she did not believe that the City Council needs an approved proposal in advance their approval of money to pay for the increases. A cost estimate could be done based on the recommendation.

Commissioner Moore asked SSA what consideration was given to grade in regard to classifications. He gave the example of the grade for Police Recruit at 65, Fire Captain at 67, and Police Officer I at grade 67. He asked what consideration is given to what those grades actually mean. Ms. Slaughter responded that those grades were determined by Civil Service in the existing pay plan. For jobs SSA sees issues with, SSA will go back and

see if it is a grade issue that causes them to be so far from market. SSA did not look at if jobs needed to be moved from one grade to another. Commissioner Moore then noted that the grades for some police positions had been moved. Clay Kittrell, representing SSA, stated that SSA's first focus was salary differentials by position. Generally speaking SSA sought to maintain the current structure. Director Hudson noted that part of what you see with Police is due to the consolidation of job classifications. Robert Hagmann, Personnel Administrator over the Classification and Compensation Division of Civil Service, stated that in the 2008 pay plan changes the grade was based on both external competitiveness and internal equity. At that time hiring rates were converted to an effective grade, so it is a combination of those two factors.

Nick Felton, a former Fire Captain, asked if special entrance rates just exacerbated the problem and the need to have more regular pay plan adjustments. Ms. Slaughter responded that for the vast majority of job classifications a 10% movement in the pay plan will take care of the special entrance rates. For the 5% that it does not, there is probably a grade issue or a mismatch between the job analysis questionnaires and the job description or job it is being matched to. Mr. Felton asked if this proposal is strictly for classified employees. Ms. Slaughter responded affirmatively. Mr. Felton then asked if the increase for Sewerage and Water Board would be on top of what was recently approved. Director Hudson stated that it would not. It was an advance approval due to the emergency. Mr. Felton then asked what targeted critical positions are listed in SSA's report. Ms. Slaughter stated that those are data driven and include issues like difficulty to fill. Mr. Felton then asked if the way the Fire Department (NOFD) calculates overtime affected recruitment. Ms. Slaughter responded that SSA's report addresses that. She further stated that NOFD is at a disadvantage related to other closely located departments due to how it calculates overtime. Clay Kittrell stated that the other thing to consider is that there is no guarantee that other jurisdictions will continue calculating overtime more generously than NOFD.

Ms. Slaughter stated that when a firefighter's longevity pay stops, they see no movement in pay. When SSA met with the Fire Superintendent he suggested that any further pay progression be based on merit. Ms. Slaughter noted that best practices suggest that longevity pay is not as much of an incentive to younger workers. SSA tried to be careful looking at other cities because there are some differences in the work that is performed.

Aaron Mischler, representing local Fire Union 632, stated that longevity goes through the 20th year of service. The Fire Department does not have levels for advancement like Police, so there is not the potential to increase pay. Director Hudson stated that there is a Firefighter II classification in the pay plan that is not being used. Mr. Hagmann noted that statutorily, additional levels for Captain and Operator would have to be created if Firefighter II was used. Mr. Mischler then asked if medical calls were taken into consideration. Ms. Slaughter responded that it was taken into consideration because it is true everywhere.

Timothy McConnell, Fire Superintendent, stated that he would work together with the union on a plan on how to improve firefighter compensation.

Aaron Mischler asked if moving away from testing and formal requirements would apply to Fire positions. Ms. Slaughter responded by saying possibly, but not necessarily. She noted that it is a broad based recommendation that is not meant for any particular test for any particular job class. That would be very challenging. Commissioner Moore asked what was the motivation for that recommendation. Ms. Slaughter responded that it was in response to department heads saying they had issues bringing people in to city government, which is sometimes related to testing. There are other ways to identify talent. Since Civil Service staff has to deal with hundreds of applications for one position, testing is a way to deal with that. There are other opportunities when it comes to internal progression. Clay Kittrell stated that staff has made a lot of progress in trying to reduce those burdens.

Finally, Ms. Slaughter noted that Civil Service staff is underfunded and under resourced and that does not help with the ability to serve the administration. She then offered to make a link to the study available online.

Item #3 was a report on delegation of authority to the Sewerage and Water Board (S&WB). Brendan Greene, the Commission's Executive Counsel, stated that over the course of the last few weeks staff has been meeting with S&WB regarding the status of their vacancies. S&WB held a hiring fair to fill their outstanding vacancies with people on the register with the goal of making conditional offers of employment. S&WB has been provided with data from Neogov relative to how long individuals have been on eligible lists. Mr. Greene noted that there are dozens of registers. The average time

on a register ranges from 20 to 450 days. Mr. Greene noted that S&WB had been advised to focus efforts on those who have already expressed interest in the position by being placed on the register. Shelly Stolp, Personnel Administrator over the Recruitment Division of Civil Service, clarified that most registers are fairly new and that most delegated positions can be opened at any time. She noted that if a register is old, S&WB can reopen it.

Eric Hessler, representing the Police Association of New Orleans, asked to take item #6(e) out of order and the Commission agreed. Item #6(e) was requests from the Police Association of New Orleans (PANO) to address benefits and emoluments under Rule IV, Section 8.3, effective dates of probationary appointments, and working out of class issue. Mr. Hessler stated that three Police Officers were hired with provisional status because they were lateral hires. They were told they would be made probationary when they graduated from the Police Academy. Officers Fowlkes, Warren and Hendershot graduated from the Police Academy on October 27, 2016. Their probationary periods should have started on that date.

Amy Trepagnier, Deputy Personnel Director, said that at the time they were hired, Police Officer I lateral was not open to applications. When the position opened in March of this year, there were only two people on the eligible list. Under the current interpretation of the rule of three the employees could not be certified until there were three eligibles which further delayed their conversion to probationary status until June of this year. The issue is that they were not on the eligible list. The problem is that there is no administrative mechanism to go back in time and make someone probationary if they weren't on an eligible list at the time that they were hired. Mr. Hessler responded that an administrative problem has an administrative solution. Simply go back and do it. It is only fair. Donovan Livaccari, representing the Fraternal Order of Police, stated that the downside is that these individuals would otherwise be eligible to be promoted to Police Officer II in December. Ms. Trepagnier stated that staff is proposing a solution to that issue by sending a draft announcement to NOPD to allow for people with provisional status, but who otherwise have a year as a Police Officer I to be eligible for promotion to Police Officer II. She noted that as long as NOPD is agreeable to it, we can get the change in place to cover these officers.

Mr. Hessler stated that the probationary period is also equally as important. This can be corrected with a pen stroke. These officers left other jobs and

were told they would be probationary police officers. Their probationary period should have ended a few weeks ago. If you can extend a probationary period, you can shorten it. You can give them a six month probationary period or correct this issue. Director Hudson proposed asking NOPD if they are agreeable to a six month probationary period. Ms. Trepagnier clarified that it would be six months from the time they gained probationary status. Mr. Livaccari stated that the lateral program at NOPD continues to be problematic. Ms. Trepagnier noted that this could continue to be an issue if there is only one lateral candidate on the eligible list. It is an unintended consequence of the rule change.

Item #4 was an amendment to Rule II, Section 4.5 and 4.6 to remove consideration of age, sexual orientation and disability claims relative to discrimination within the Classified Service. Brendan Greene stated this rule was adopted in the 1980's. In the intervening time, the Supreme Court ruled in the 1999 Sumrall case that expanding the protected classes who could come to the Commission to allege discrimination beyond those enumerated in the Louisiana constitution is unconstitutional. He noted that most recently, the Commission has dealt with two or three appeals a month where a provisional employee was alleging discrimination based on disability, age or sexual orientation. Each time the Commission denied the appeal based on the Sumrall case. He noted that we do not want to give provisional employees the false hope that they have a venue before the Commission. He clarified that they certainly would have recourse through the EEOC or federal law to pursue a claim, but that the Commission is limited to those classes articulated in Article X Section 8B of the Constitution (political reasons, religion, race and sex). A permanent employee can also challenge sufficiency of cause.

Richard Carter, a Civil Service employee, asked if this is illegal on the federal level but the state constitution stands between there how do you challenge the rule on a constitutional basis so that the state changes its mind. Commissioner Tetlow suggested adding an explanatory footnote to the rules. Mr. Greene noted that many people do not read the rules. Ms. Trepagnier suggested changing the appeals form. Commissioner Tetlow suggested adding a note that says that the Supreme Court has eliminated those categories. Elizabeth Robin, representing the Law Department, suggested amending the form to tell employees where they can bring their claim and suggested listing the types of discrimination in check box form. Commissioner Tetlow cautioned that it would make it too easy for people to

bring a claim that they cannot articulate. Brendan Greene offered to put together a draft.

Item #5 was a request from the Fraternal Order of Police to create a new rule relative to the reimbursement of fees paid by appellants for the reproduction of documents in connection to a Civil Service Appeal. Donovan Livaccari stated that the request is simple. If you don't win you don't get anything. If you don't pay anything you don't get anything. The collection of these fees for pro se litigants may dissuade people from filing. Elizabeth Robin said that she had recommended that the individuals get their personnel file directly from their department at no charge. She asked that the rule include that any records offered free of charge should not be reimbursed. She asked that it be made clear where to request these items.

Director Hudson read the proposed change for the record. In the event that an employee's appeal filed under Civil Service Rule II is granted, the Civil Service Commission shall order that any fees paid to the City of New Orleans for any reason associated with the appeal filed under Civil Service Rule II be reimbursed immediately. There shall be no reduction in the amount to be reimbursed for any reason.

Mr. Robin proposed editing the last sentence to note that any records offered to the appellant free of charge not be included in the reimbursement. She would, at the very least, ask that the last sentence allowing no reduction for any reason be removed.

Mr. Greene stated that any order granting an employee's appeal in full would include back pay, emoluments and fees for requested documents. Appellants could go before the Commission if the appointing authority failed to comply.

Commissioner Tetlow moved for approval of the proposed rule change with the first sentence only. Commissioner Moore seconded the motion and it was approved by all.

Item #6(a) under Classification and Compensation Matters was the unauthorized appointment of an unclassified Construction Project Manager in Sewerage and Water Board Human Resources. Robert Hagmann stated that Mohammad Owusu was hired as an unclassified Construction Project Manager on May 17, 2017 at the maximum salary

of that job class (\$90,000). This Construction Project Manager position, which was put in the Human Resources Division, is unauthorized and must be immediately revoked. When the Commission approved these unclassified positions at S&WB it was for FEMA funded infrastructure projects. Construction Project Managers are expected to do construction project manager work which involves the technical oversight of construction. Mr. Hagmann noted that this position requires extensive construction project management experience to be able to perform this work. Mr. Owusu is not performing those construction project manager duties. He is performing administrative Human Resources work, particularly work allocated to a Utility Services Manager. Additionally, he does not perform supervisory work. Further, Mr. Owusu does not meet the minimum qualifications for this position. Mr. Hagmann stated that this is an inappropriate circumvention of the Louisiana Constitution, the Civil Service Rules and the Pay Plan. Unclassified employees cannot perform the work of classified employees and only the Commission can grant additional unclassified positions. Staff recommends his immediate removal from this job classification. Mr. Hagmann cautioned that S&WB may have used other unclassified positions to perform the work of the classified service.

Director Hudson indicated that staff had received a request from Terrence Ginn, a member of the S&WB interim emergency management team, asking for an extension in order to investigate the matter. In the request, Mr. Ginn asked for S&WB to be allowed to come back before the Commission at its December meeting with options on resolving this matter.

Director Hudson noted that staff would be reviewing two other unclassified positions including another Construction Project Manager in Communications and a Project Manager in Intergovernmental Relations.

Item #6(b) was a report on overtime usage and consideration of exception to Rule IV, Section 9.7 (a) relative to exceeding overtime maximums for Sewerage and Water Board. Director Hudson noted that staff had received a list of employees from S&WB for whom S&WB was requesting an exemption to the overtime rule. Staff is still awaiting the source data which had been requested several times, therefore staff could not support the approval of the request.

Item #6(c) was a report on overtime usage and a request from the Administration for an exception to Rule IV, Section 9.7 (a) relative to exceeding overtime maximums. Mr. Hagmann noted that staff had received justifications from all but two city agencies, Police and Fire. He believed that the administration would be submitting a request to exceed the Commission's overtime thresholds.

Item #6(d) was a request from the Youth Study Center to create the new classification of Adolescent Home Training Coordinator. Mr. Hagmann stated that this position is being proposed in response to a job study. The position would develop curriculum and public safety education. It would require a degree and related experience. The position would be non-exempt at pay grade 68 with a hiring rate of \$44,612. Commissioner Tetlow moved to approve the new position. Commissioner Moore seconded the motion and it was approved unanimously.

Item #6(f) was a request from Karen Fortuna, Gary Joseph II and Michele Sigur to address the Commission regarding stagnation and unfair and unequal promotional opportunities. Mr. Hagmann stated that staff hopes the proposed pay plan adjustment will acknowledge the salary issues relative to their request. Michelle Sigur, a Senior Revenue Field Agent, stated that in 2010 Revenue Field Agents were hired from the Management Development Analyst list. These analysts had room for growth and moved on to other departments in city government. The employees in the Sr. Revenue Field Agents classification were still in the same place with no options for career development. She noted they had met with upper management in City government to pursue this issue and provided information on who they had met with. Ms. Sigur asked why their names were removed for the list of employees who were to receive pay raises in 2016 and noted that the employees want a career path. Director Hudson stated that staff would be investigating the matter.

Item #7(a) under Recruitment and Selection Matters was examination announcements #9767 to #9790. Commissioner Tetlow moved to approve the announcements. Commissioner Moore seconded the motion and it was approved unanimously.


Item #8 was the ratification of Public Integrity Bureau (PIB) 60 day extension requests. Chairperson Craig called for public comment. There being none, Commissioner Tetlow moved to approve the extensions.

Commissioner Moore seconded the motion and it was approved unanimously.


Item #9(a) under Communications was a report on ADP ongoing issues. This item was deferred.

Item #9(b) was a report on Civil Service Budget and Staffing. Director Hudson reported that an employee in the Classification and Compensation Division would be leaving effective December 1st.

There being no additional business to consider, Commissioner Moore moved for adjournment at 1:55 p.m. The motion was seconded by Commissioner Tetlow and approved unanimously.



Michelle Craig, Chairperson



Tania Tetlow, Commissioner



Clifton Moore, Jr., Commissioner