

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
Monday, April 18, 2016

The regular monthly meeting of the City Civil Service Commission was held on Monday, April 18, 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 S. Clark and Commissioner Tania Tetlow representing a quorum. Chairperson Craig convened the meeting at 10:05 a.m. The Commission then proceeded by sounding the Commission's docket. At 11:34 a.m., on the motion of Commissioner Tetlow, seconded by Commissioner McClain the Commission voted unanimously to go into executive session to discuss matters taken under advisement and pending litigation. At 11:48 a.m. Commissioner McClain left the Executive Session. Commissioner Cordelia Tullous joined the Executive Session at 11:52 a.m. At 12:04 p.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

The first item on the agenda was the minutes from the March 21, 2016 meeting. Commissioner Tetlow moved approval of the minutes. Chairperson Craig seconded the motion and the minutes were approved unanimously.

Item #2 was a petition for Commission intervention in promotional appeals and motions to quash subpoenas in C.S. Case No. 8483 and 8484. This item was removed from consideration at the request of the Administration.

Item #3 was a series of requests from the Police Association of New Orleans (PANO). Item #3 (a) was a request to address the Commission relative to the Police Department's refusal to publish the newly revised promotional criteria for Sergeants and Lieutenants under the Great Place to Work Initiative. Eric Hessler spoke on behalf of PANO. He noted this was the second request to the Commission regarding this matter. Mr. Hessler said that the previous request resulted in NOPD's representatives stating they would publish the information, but to date nothing had been done. Mr. Hessler stated that the criteria used by NOPD to select candidates for promotion to Sergeant and Lieutenant was vague and subjective and that candidates deserve to know what criteria was used so that they can use the information to become better officers. Mr. Hessler asked the Commission to develop a set of criteria to tell individuals what appointing authorities are looking for when selecting from the eligible list. He stated having this information would cut down on litigation. Mr. Hessler questioned why the

Civil Service test results did not match those who NOPD selected for promotion from the eligible list.

Alexandra Norton spoke on behalf of the Administration. She noted that NOPD's promotional policy has remained mostly unchanged since prior to the Federal Consent Decree. She stated that the criteria for promotion is listed in NOPD Policy # 1004.5 and includes the additional criteria the City is required to consider as part of the Consent Decree. This information is published online on the City's website. Ms. Norton stated that not every criteria is testable under Civil Service testing, for example misconduct history. She stated that the policy covers the entire assessment process, but there is an opportunity to continue the dialogue with the Police Unions to make the promotional process more transparent.

Mr. Hessler stated that he did not know the information had been posted online. Mr. Hessler agreed that the factors may be listed in NOPD's policy, but the implementation comes from the Great Place to Work rule changes, and that is what is unknown.

Elizabeth Robbins from the Law Department stated that by virtue of the information being displayed online, PANO's position that NOPD refused to publish the promotional criteria was incorrect. Ms. Robbins stated NOPD and Civil Service work together to develop promotional criteria.

Personnel Director Lisa Hudson clarified that what is being discussed is the process that takes place after the register has been established by Civil Service.

Commenting on this matter was Simon Hargrove of the Black Organization of Police (BOP). Captain Hargrove stated that even though the criteria is posted, there is no way to know how the factors are weighted. He further stated that the criteria, methodology and weighting should all be published. In order to help Officers improve themselves through things like training and accepting different assignments, they need to know what they are being measured against. Candidates should be able to work backwards from the published methodology to determine how selections were made.

Also commenting was Michael Glasser from PANO. Captain Glasser reiterated that candidates need to know why they were passed over on the eligible list in order to correct the issue that caused them to be passed over. He stated that the Great Place to Work rule changes may give NOPD the right to select anyone

regardless of their ranking on the eligible list, but candidates still deserve to know how the selection was made.

Personnel Director Lisa Hudson stated that a lot questions regarding this issue can be answered through the hearings currently taking place.

Chairperson Craig stated that the question on the agenda had been answered. She urged the administration and unions to try to work on the criteria together.

Item 3 (b) was a request to extend the 5% pay increase recently received from Sex Crime Detectives to all other Detectives. Commissioner Tetlow and Director Hudson clarified that the recent pay changes was for all of the Special Victims Unit (SVU) not just sex crimes and was for 5%, not 10% as indicated in PANO's request to be placed on the agenda.

Eric Hessler, speaking on behalf of PANO, stated that at the time the recent increase for SVU was approved the Administration indicated they would consider the special rate of pay's expansion to other detectives. The timeframe for this consideration was the first quarter of 2016, however to date nothing had been done. He asked the Commission to order a study on why and how the pay system should be implemented for other detectives. He noted that homicide investigations are stressful and that often homicide detectives take the lead in cases of murder victims who have also been raped. The work load of homicide detectives has increased due to staffing shortages.

Commissioner Tetlow stated that the SVU special rate of pay was approved due to difficulty in recruiting to the unit attributed to recent Office of Inspector General audit findings. She noted that there was a disincentive to serve in the unit because morale was at an all-time low. The special rate of pay was not about relative merit. The homicide division has not suffered a similar issue and has not had difficulty recruiting employees. Commissioner Tetlow stated that raising other detectives would take away from SVU's ability to recruit employees. She expressed support for a separate detective track and urged NOPD to look into it. Eric Hessler echoed the need for a separate detective track with the higher levels possibly being reserved for SVU.

Simon Hargrove (BOP) commented that compensating other detectives will not be a disincentive to serving in SVU because pay is not the issue. He then suggested raising all detective pay by 5% and raising SVU pay additionally over that.

Michael Glasser (PANO) stated that NOPD needs to determine why people are leaving the Special Victims Unit so that those in the unit can be given the tools to do the job correctly. Money will not solve the problem because 5% buys the greediest, not necessarily the best. He stated that PIB only began receiving special assignment pay in 1995. He reported that the unions had met with Deputy Chief of Staff Jonathan Wisbey the Friday before the meeting to propose changes to the special rates of pay and that Mr. Wisbey indicated he would take the information back to the Superintendent of Police.

Robert Haggmann, Personnel Administrator of the Classification and Compensation Division of Civil Service indicated a separate detective track may be difficult to institute due to salary compression between the Police Officer IV and Sergeant levels.

No motion was made.

Item 3(c) was a request to allow Lieutenant Christian Hart and others similarly situated, to address the Commission regarding attempts to obtain benefits as provided by Rule IV, Section 8.3. Eric Hessler, represented Lt. Hart and Officer Rhonda Hamman on behalf of PANO.

Lt. Hart and Officer Hamman explained the personal reasons they left and returned to NOPD. They stated they were not asking for back pay, but rather restoration of their consecutive service date used for longevity and bonus leave accrual purposes.

Staff was represented by Robert Haggmann who stated that the retroactivity issue was discussed at the 7/20/15 meeting when the rule was vetted. At that time, the Administration supported the rule, but not its retroactive application. Mr. Haggmann asked if the Commission could legally apply a rule prior to its inception.

Alexandra Norton suggested working with Civil Service to determine how many people would potentially be impacted by a retroactive application of the rule. Director Hudson stated it would be very difficult to figure that out. Commissioner Tetlow suggested a dialogue between the union and Administration. She also asked about the budgetary implications of applying the rule retroactively and then stated that the item would be deferred.

Item 4 was a series of proposed amendments to the Civil Service Rules. Personnel Director Hudson reported that staff had not received any comments on the proposed rule changes since their introduction at the March meeting.

Item 4(a) was Amendments to Merit Pay, Rule IV Section 2.5 and Performance Evaluation System, Rule XI. Elizabeth Robbins asked what specifically had been changed. Director Hudson stated she would resend the rule with the proposed changes noted.

Terry Hampton representing Firefighter's Local 632 commented that by Commission Rule, Firefighters are currently excluded from merit pay and asked the Commission to make a distinction between merit pay and longevity pay. He indicated that the lack of merit pay is a morale issue that will get worse if fire employees continue to be excluded.

No motion was made.

Item 4 (b) was Amendments to Rule II, related to Appeals including Section 4.12 new Section 6.8 and Section 8.1, and new section 8.3. Director Hudson stated that the Administration asked that this item be deferred to the next meeting.

Item 4(c) was Amendments to Rule III, Section 6 related to Contracts. Director Hudson stated that the Administration asked that this item be deferred to the next meeting. Elizabeth Robbins distributed copies of the 2003 SMG case to the Commissioners.

Claude Shlesinger, representing the Fraternal Order of Police (FOP), urged the Commission to look at the language in the SMG case. He stated there was dangerous language in the rule that states appointing authorities seeking to enter into a contract that may displace employees shall submit the contract to the Commission for approval. He noted that the decision to submit the contract to the Commission shouldn't be left up to the Administration or it will never happen. He cautioned that the Administration will rename positions to make them appear as if they are newly created. Civil Service should determine if contracts effect classified jobs, not the Administration.

Item 4(d) was an Amendment to Rule VIII, Section 4 related to Civil Leave and consideration of an exception to the current Civil Leave Rule. Civil Service staff and the Administration both indicated support of the Rule change which allows appointing authorities to use Civil Leave when employees cannot work due to health and safety emergencies. Commissioner Tullous made a motion to approve the rule change. Commissioner Tetlow seconded the motion and it was approved unanimously.

Director Hudson then asked the Commission to approve the time off designated as Civil Leave due to severe weather that was authorized prior to the rule change. Commissioner Tetlow made the motion to do so and Commissioner Tullous seconded the motion. The motion carried unanimously. Director Hudson stated the Rule change would now go to the City Council for consideration.

Item 5 (a) was a request by the Health Department to apply the Extraordinary Qualifications Rule retroactively due to a data entry error by the Health Department. Robert Hagmann indicated that staff was in support of the request. Jovan Bell, who represented the Health Department, stated that the Health Department failed to enter the Extraordinary Qualifications pay correctly for a Health Project and Planning Senior Analyst. Commissioner Tetlow made the motion to approve the request and Commissioner Tullous seconded the motion. The motion carried unanimously.

Item 6 on the agenda was Recruitment and Selection Matters. Item #6 (a) was examination announcements #9273-9292. Commissioner Tullous made the motion to approve the examination announcements and Commissioner Tetlow seconded the motion. The motion carried unanimously.

Item 6 (b) was a request by Civil Service staff to extend the Fire District Chief Register in accordance with Rule V, Section 5.3. Superintendent Timothy McConnell indicated that he was in agreement with the one year extension. He asked that Civil Service prioritize the District Chief test in the 2017 budget request. Director Hudson agreed to do so.

Gary Savelle representing the New Orleans Association of Fire Chiefs expressed support for extending the existing register.

Terry Hampton also indicated his support of the extension and added that there had not been a Fire Deputy Chief test administered since 1999. He noted that all Deputy Fire Chiefs are currently in provisional appointments.

Director Hudson suggested a meeting with Superintendent McConnell to discuss moving forward the Deputy Chief's test.

Commissioner Tetlow made the motion to approve the request to extend the existing eligible list for one year and Commissioner Tullous seconded the motion. The motion carried unanimously.

Item #7 (a) on the agenda was the Ratification of Public Integrity Bureau (PIB) 60 Day Extension Requests. There were no speakers commenting on this agenda item. Commissioner Tullous moved that all of the recommendations of the hearing officer for 60-day extensions be approved. This motion was seconded by Commissioner Tetlow and approved unanimously.

Item 7 (b) on the agenda was a report of the PIB Investigation Process. At its March meeting, the Commission instructed NOPD to provide a report on the length of time Public Integrity Bureau Investigations take. NOPD did not send a representative to the meeting to address this item. Director Hudson stated she would make an additional request to NOPD to appear before the Commission. Elizabeth Robbins volunteered to follow up with NOPD at a PIB meeting that afternoon.

Item 8(a) under Communications was a report on ongoing ADP issues. Robert Hagmann reported that the current ADP liaison to the City is leaving and that ADP is currently training her replacement on City processes.

Additionally, Mr. Hagmann reported that Civil Service staff would be meeting with representatives from the Mayor's office to discuss the payment of 1800 summer employees through ADP. Roy Guercio of the Finance Department reported that ADP's rapid hire screen would be used and that test entries had been made to ensure the system could meet the City's needs. He noted some glitches during the test run.

Regarding other ADP issues, Robert Hagmann noted that some unclassified employees were earning salaries above what can be accommodated by the current pay table in ADP. He also noted that staff continues to add new action reasons, codes and special pays in ADP.

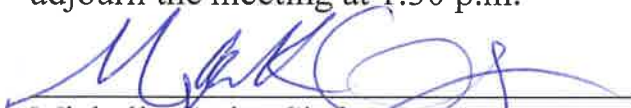
Item 8(b) was a report on budget and staffing issues in the Civil Service Department. Director Hudson referenced a report she had compiled for the Commission on the Department's current staffing needs and on unfunded 2016 Budget requests. Regarding staffing, she noted that due to turnover in the Classification Division job studies had been on hold and that some would continue to be held in abeyance due to the impending comprehensive pay study. She noted vacancies at Senior Psychometrician and Management Development Analyst I in the Recruitment Division.

Regarding unfunded budget requests, Director Hudson noted that Police and Fire promotional tests were not funded. Chairperson Craig indicated that she was very interested in pursuing online scoring of promotional testing as a way to cut down on the cost. Director Hudson stated that staff had previously explored this option at the request of a Councilperson and had shared the negatives of doing so. She asked that staff be allowed to put together a report on their concerns about moving forward with online scoring.


Item 8 (c) on the agenda was a report on the comprehensive classification and salary study. Alexandra Norton stated that April 8th was the deadline for responses to the Request for Proposals (RFP) and that the selection committee would be meeting soon to review those proposals.

Finally, a request to waive the 30 day timeline for service rating appeals was put forward to be considered under new business. Commissioner Tetlow made a motion to add the new item to the agenda. Commissioner Tullous seconded the motion and the motion passed unanimously. NORDC made the request for an exception to Rule XI regarding service ratings to extend the review and appeal period until NORDC employee Jenna Haywood returned from parental leave in order to allow her to attend the review panel. Commissioner Tetlow made a motion to put the 30 day period on hold. The motion was seconded by Commissioner Clark and approved unanimously.

With no other business to consider, on motion of Commissioner Tetlow and seconded by Commissioner Tullous, the Commission voted unanimously to adjourn the meeting at 1:30 p.m.

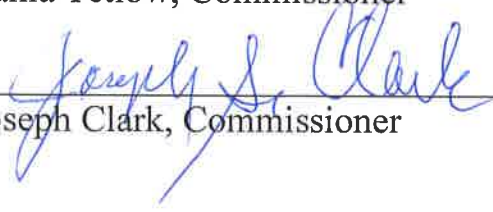

Michelle Craig, Chairperson


Ronald McClain, Vice Chairperson


Cordelia D. Tullous, Commissioner



Tania Tetlow, Commissioner



Joseph Clark, Commissioner