

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
MONDAY, OCTOBER 19, 2015

#1

The regular monthly meeting of the City Civil Service Commission was held on Monday, October 19, 2015 at 1340 Poydras Street, Suite 964. Ms. Doddie Smith, Personnel Administrator of Management Services, called the roll. Present were Commission Chairperson Michelle D. Craig, Vice-Chairperson Ronald P. McClain, Commissioners Cordelia D. Tullous, Joseph S. Clark, and Tania Tetlow, representing a quorum. The Chairperson convened the meeting at 10:07 a.m. The Commission then proceeded by sounding the Commission's docket. At 10:29 a.m., on the motion of Vice-Chairperson McClain, seconded by Commissioner Tetlow, the Commission voted unanimously to go into executive session to discuss matters taken under advisement and pending litigation. At 11:16 a.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 September 21, 2015 meeting. Commissioner Tetlow moved approval of the minutes. Vice-Chairperson McClain seconded the motion and the minutes were approved unanimously.

Item #2 was an update on the status of a complaint regarding Firefighters working out of their classification. Speaking on this matter was President of the New Orleans Firefighters Association (Local #632), Nicholas Felton. Mr. Felton informed the Commission that the union membership approved the proposed settlement with one caveat. That condition is that firefighters who so desire may be able to review and challenge the calculations used to determine their individual back pay award. Vice-Chairperson McClain asked NOFD Superintendent Timothy McConnell if he had that same appreciation of the status of the complaint. Superintendent McConnell replied that he did. Mr. Felton stated that ADP is capturing this information as of Saturday to ensure appropriate future pay.

Mr. Robert Hagmann, Personnel Administrator, noted that the Rule requires one to meet the minimum qualifications for both classifications in order to be eligible for dual classification pay. He informed the Commission that staff had concerns about four people slated to receive this premium pay. Superintendent McConnell stated that he agreed with staff regarding one of these firefighters. For the other three, he believes that they will be able to show that they meet the minimum qualifications, but that there is a problem with receiving documentation from Delgado

Community College in a timely manner. Superintendent McConnell added that this would be a subject for discussion later in the meeting when addressing the item regarding a request for the minimum qualifications for the Fire Captain exam.

Personnel Director Lisa Hudson told the Commission that, to ensure that those three individuals would receive appropriate dual-rate pay, an exception to the Rule would be required. A motion to add this item to the agenda was made by Commissioner Tetlow, seconded by Commissioner Clark and approved unanimously. After a brief discussion, Commissioner Tetlow moved that these three individuals be eligible to receive dual-rated pay, subject to the receipt of information from Delgado. This motion was seconded by Vice-Chairperson McClain and approved unanimously.

Returning to the proposed settlement agreement, Mr. Hagmann informed the Commission that staff's agreement with the calculations used in the settlement was based on a review of a sample of the pay of the individuals involved. Therefore, there could be errors in these calculations. Commissioner Tetlow responded that the details of the settlement were not before the Commission presently, but staff should let the Commission know of any quibbles that they may have with the calculations.

Mr. Felton noted that, as a financial agreement, the City Council's approval would also be needed and that their schedule with the holidays could lead to delays. He asked that the Commission approve this agreement expeditiously. Commissioner Tetlow replied that there presently was no document before them and, thus, there was nothing for them to approve. At this point, Mr. Andrew Kopplin, Chief Administrative Officer, informed the Commission that he would see that they receive the document. Superintendent McConnell added that the Commission's approval would be of the terms of the agreement, not of actual calculations of each individual's pay. Chairperson Craig informed all parties that, if the document regarding this agreement could be provided well in advance of the Commission's next regularly scheduled meeting, a special meeting of the Commission could be considered.

Item #3 was a request from the Firefighter's Association to consider pay increases based on a Firefighter salary survey and information from the City Administration on a Firefighter pay study. Director Hudson gave staff's position to request that this matter be deferred until the next meeting because staff had not completed its review. Mr. Felton noted staff's workload and stated that the union had no objection to deferring the matter. Chief Administrative Officer Kopplin asked that

all interested parties have a chance to review staff's pay proposal prior to its submission to the Commission.

Item #4 was a request from the Fire Department to amend the current job specifications for Fire Recruit and Firefighter I to include fire prevention and major emergency response activities. Director Hudson informed the Commission that staff and the fire union had both requested deferral on this item. Mr. Felton asked if the Commission had additional information on this item. Superintendent McConnell stated that he had provided the Commissioners with documentation on this request. He distributed additional copies and explained that one document represented the current job specification and the other included proposed additional information that he is requesting to be included. Superintendent McConnell also distributed a position paper from the International Association of Fire Chiefs on the installation of smoke alarms.

Item #5 was a request from the Police Association of New Orleans (PANO) to address the Civil Service Commission in regard to promotions made from the most recent Sergeants and Lieutenants tests. Addressing this issue was Mr. Eric Hessler, PANO attorney. He noted that recent promotions were the first in NOPD made subsequent to the "Great Place to Work" Rule changes and that both police associations have filed suits in response to these promotions. Mr. Hessler stated that he had met with NOPD Superintendent Michael Harrison regarding the criteria used in these promotional decisions. Mr. Hessler related that Superintendent Harrison told him that PANO did not need to know those criteria. Mr. Hessler then provided his contention that the process for determining who would be promoted was not transparent, was detrimental to morale, and that the pattern of promotions did not reflect candidates' relative test performance. Mr. Hessler asked that the Commission obtain the requirements used for promotional decisions and provide these to affected parties. He also noted that a Rule change passed in 2014 allows those passed over for promotion to appeal that decision.

Chairperson Craig responded that, given the pending litigation, the Commission may be limited in the information that they could provide, but that she had no issue in investigating the new requirements for promotion. Director Hudson clarified that the Commission was requesting staff to investigate the new requirements and then report back to the Commission. Mr. Kopplin asked that the Commission coordinate with the City's counsel on this matter. He noted that he would check with the Law Department, but it is his belief that they will be happy to disclose the rigorous process used in arriving at those decisions while maintaining all appropriate privileges and postures given the pending litigation. Chairperson Craig

then indicated that the Commission would receive updates on this matter through their attorney, Brendan Greene.

Item #6 was a request from the administration to work with a consultant and Civil Service staff to train human resource managers on new procedures. Ms. Alexandra Norton, Director of Service and Innovation, addressed this item. She stated that agreement has been reached to move forward with a new scope of work of consultants to provide training and that the training would be available on-line for future reference.

Item #7 was proposed amendments to the Civil Service Rules. Item #7 (a) was a proposed amendment to Rule IV, Section 2.4, related to pay for extraordinary or superior qualifications, experience, or credentials. Director Hudson noted that, at last month's meeting, the administration had agreed with staff's recommendation on part of the proposed Rule change (section "h"), but disagreed with the proposed section "g." She added that the Commission had instructed her to meet with the administration to try to reach agreement on this proposal. Director Hudson stated that she had met with Ms. Norton to this end and was informed that the administration no longer agreed with either part of the proposed Rule change and could not see a way to reach agreement on this proposal.

Ms. Shelly Stolp, Personnel Administrator, noted that the proposed section "h" would prevent people from quitting work one day and being hired back the next day at a higher rate by use of this section of the Rules. This proposal would require that the former employee be separated from the service for at least three months before they can take advantage of this higher pay rate. Ms. Stolp explained that the second proposed change would require that those with qualifications which would allow them to be placed in a higher classification, be placed in that higher class, rather than using this part of the Rules to effect pay. Ms. Stolp provided the Commission with examples regarding this proposal. She explained staff's position that the proposed change was needed to ensure fairness and equity in pay.

Chairperson Craig asked Ms. Norton if there was alternative language from the administration for the Commission's consideration. She replied that the administration feels that the Rules do not need to be changed. Ms. Norton stated that more time and training with the new Rules was needed, but that if a change was needed, it would be to allow appointing authorities more discretion in pay, not less. In response to a question from Chairperson Craig, Ms. Stolp stated that equity for pay in a job series remains a concern. Commissioner Tetlow noted that the Commission has heard complaints of impediments to promotion arising from

the need for Civil Service staff's allocation of a position to a higher class. Ms. Stolp explained that most promotions within a series do not require staff approval and are done to increase employee pay as few other options for this exist. An exception that she noted was the requirement that, when moving to a FLSA-exempt class, it must be shown that exempt-level duties are required of the position. Ms. Norton opined that the inability to promote within a job series is a prevalent issue. She also stated that many employees have "topped out" in their promotional series.

Commissioner Tetlow asked if the proposal for the new "g" section would "undo" the "Great Place to Work" Rule changes passed earlier. Ms. Stolp replied that, with so few other opportunities for pay increases, additional classes are being considered for a number of series to create promotional opportunities. Therefore, without additional controls, pay inequities could worsen. Director Hudson added that maintaining a uniform pay plan could be threatened. Vice-Chairperson McClain noted that if the Rule was used to hire an exceptional potential employee that would otherwise be difficult to hire, pay equity issues would be less of a concern. Director Hudson agreed with his example, but stated that it appears that the Rule would be open for much more wide-spread use. Discussion on this matter ended when Vice-Chairperson McClain asked if parties could continue to work toward resolution on this matter.

Item #8 on the agenda was Classification and Compensation matters. Item #8 (a) was a request from Human Services – Youth Study Center for hiring rates for the classes of Food Service Worker and Senior Food Service Worker. Presenting this proposal was Personnel Administrator Robert Hagmann. Mr. Hagmann explained that the department has had difficulty in retaining workers for these positions and that the hiring rates would help with retention. He informed the Commission that Human Services was in agreement with staff's proposal. Commissioner Tetlow moved approval of the request. Vice-Chairperson McClain seconded the motion and it passed unanimously.

Item #8 (b) was a request from the Historic Districts Landmarks Commission (HDLC) for a salary adjustment for the Preservation Architect classification. Mr. Hagmann explained that this salary adjustment was needed for equity purposes. Earlier action had increased that pay for a class that is higher in this series. Also, this position also supervises a Senior Building Inspector position. He informed the Commission that HDLC was in agreement with staff's proposal. Commissioner Tetlow moved approval of the request. Commissioner Tullous seconded the motion and it passed unanimously.

Item #8 (c) was a request from Safety and Permits to grant a title change for the classes of Motor Vehicle Inspections Supervisor and Motor Vehicle Inspections Supervisor, Assistant and a pay amendment for the later of these classes. Mr. Hagmann explained that these titles are no longer descriptive of the work done, as motor vehicle inspections (brake tags) have been outsourced. The new titles proposed are Program Manager and Program Manager, Assistant. Commissioner Tetlow moved approval of the request. Commissioner Tullous seconded the motion and it passed unanimously.

Item #8 (d) was recommendation for pay amendments to the Management Development Series including related management/administrative classifications. Mr. Hagmann informed the Commission that staff was receiving feedback from departments on this proposal. He noted that much of the feedback suggested that the proposal did not go far enough in increasing pay for these positions. Mr. Hagmann stated that he was receiving feedback as recently as Thursday and Friday (10/15/15 and 10/16/15) and that staff would recommend deferral of this item until more input could be received and processed. Both Commissioner Tetlow and Chairperson Craig noted that, because staff is affected by the proposal, the Commission would need to take a more detailed look at it. Mr. Hagmann informed the Commission that the intent was not to provide a regular increase, but rather to adjust the structure of the pay plan consistent with the Fair Labor Standards Act changes proposed and to address numerous job study requests.

Carletta Graves, an employee of the Clerk of Council's Office, noted that this proposal includes three new job classes. She suggested that those three new classes are needed to assist employees who are stuck in positions without opportunity for promotion. Vice-Chairperson McClain asked if these three classes could be pulled out of the larger proposal and be addressed separately. Director Hudson replied that, to add these classes without the larger adjustments to related classes, would create an unacceptable pay compression issue. Mr. Hagmann added that it is difficult to affect only one part of the pay plan without affecting the related classes. Chairperson Craig and Commissioner Tetlow assured Ms. Graves that the matter would be taken under consideration.

Item #8 (e) was a request from the Fraternal Order of Police (FOP) to grant educational incentive pay to Lt. Bradley Tollefson. FOP attorney, Mr. Donovan Livaccari, represented Lt. Tollefson, who also attended and participated in this discussion. Mr. Livaccari noted that Lt. Tollefson is a Canadian citizen who attended a Canadian university, which, as such, is not accredited by the United

States Department of Education. He added that Lt. Tollefson had paid a company which provides the service of determining the equivalence of foreign education, and that they determined that his training equates to an Associates' Degree in the United States. Mr. Livaccari noted that Lt. Tollefson's degree was deemed acceptable by Civil Service staff for purposes of his promotion to his current position.

Addressing this item were Mr. Hagmann and Ms. Amy Trepagnier, Personnel Director, Assistant. Mr. Hagmann noted that staff had requested an opinion from subject matter experts at Delgado Community College and the University of New Orleans to see if they thought that this education equated to an Associates' Degree. They did not. He noted that the requirements for promotional testing are different than those for educational incentive pay.

Lt. Tollefson stated that he understands that going on-line and buying a degree without the accompanying work is not worthy of extra pay. However, he added that he quit his job to go to school full-time for two years to receive his education. Lt. Tollefson also pointed out that Delgado's list of companies which they use to determine the equivalence of a foreign degree was incomplete and should have included the company that he used.

Mr. Hagmann expressed staff's concern with opening the door to colleges or universities that may be only nominally accredited. Commissioner Tetlow asked if the university is accredited in Canada. Lt. Tollefson stated that it is. Director Hudson suggested that if staff could verify this, the pay could be approved. Vice-Chairperson McClain requested that staff look into this and also check with what is done in other municipalities. Commissioner Tetlow stated that, in Canada, Provincial Governments accredit universities.

Item #8 (f) was a petition to reclassify an Injured On Duty (IOD) request from Worker's Compensation to Injured On Duty Leave for Officer Larry Adams. Mr. Hagmann noted that the Commission had recently approved an amendment to this section of the Rules to allow IOD Leave when responding to a vehicle accident or enforcing traffic laws. However, Officer Adams was injured prior to this change. Therefore, the request is for the retroactive application of this Rule. Mr. Hagmann indicated that staff supported this request. Vice-Chairperson McClain moved approval, Commissioner Tullous seconded that motion, and it was approved unanimously.

Item #8 (g) was a request from NOPD for a special rate of pay for bilingual skills. Director Hudson informed the Commission that staff received this request on Thursday, 10/15/2015 and spoke to Police about it on Friday, 10/16/2015. She stated that NOPD was agreeable to the deferral of this request.

Item #8 (h) was a request from the administration for three unclassified EMS management positions: Director, Deputy Director, and Secretary. Director Hudson noted that staff and the City Administration were in agreement on deferring this item.

Item #8 (i) was a request from ITI for the creation of the position of citywide GIS Director. Mr. Hagmann informed the Commission that, while the original request was for an unclassified position, staff was able to create a classified position that will serve this purpose. He stated that this request would create a bureau chief position responsible for the City-wide Geographic Information Systems program. Mr. Hagmann indicated that the administration supported the request. Ms. Norton expressed gratitude to staff on behalf of ITI.

Ms. Norton continued asking if the Commission would support minimum qualifications that would value years of experience twice as much as years of education. She argued that education earned long ago in a technical field does not retain relevance, but that experience gained long ago remains relevant to the field. Director Hudson stated that the procedure for establishing minimum qualifications outlined in the Rules is that the appointing authority and the Personnel Director are to attempt to reach an accord regarding appropriate minimum qualifications. This issue would only come before the Commission if agreement cannot be reached. Director Hudson noted that, while it is clear from Ms. Norton's statements that she was not satisfied with staff's proposed minimum qualifications, her request of the Commission was premature. At this point, Vice-Chairperson McClain indicated that the minutes should reflect that the motion before the Commission was not exactly that on the official agenda. While the title on the agenda was GIS Director, the title before the Commission was Geographic Information System (GIS) Administrator. Commissioner Tetlow moved approval of the request. Chairperson Craig seconded the motion and it passed unanimously.

Item #8 (j) was a request from Mr. Alton Jones regarding retroactive pay for acting in the higher classification of Parking Section Manager. Appearing with Mr. Jones and addressing this issue was Mr. Eric Hessler. Mr. Hessler stated that Mr. Jones was informed in July 2015 that he would be the acting Parking Section Manager and that he should receive back pay from January 2015 forward. Ms. Stolp

informed the Commission that staff had asked for a temporary pay request from the Public Works Department to compensate Mr. Jones but have not yet received that request. Responding for Public Works was Ms. Linda Copeland, their human resources officer, who indicated that the department also supported this pay for Mr. Jones. The appropriate pay in this matter appears to have been delayed because of a reorganization of the department. Ms. Copeland stated that she would supply what was needed to accomplish this back pay. The request was approved unanimously on the motion of Commissioner Tetlow, which was seconded by Vice-Chairperson McClain.

Item #8 (k) was a request from PANO on behalf of Ms. Courtney Hebert for a retroactive appointment and back pay for serving as a Criminalist II. Mr. Hessler stated that this item would be continued at the City's Attorney's request and that he had no objection.

Item #8 (l) was a request from the Library regarding retroactive pay for Ms. Jessica Styons for temporary work in a higher job classification. Commissioner Clark indicated that, as a Library employee, he would recuse himself from this request from Library. Mr. Hagmann presented staff's position. He stated that from June 22, 2013 until her appointment as Assistant City Librarian, Ms. Styons assumed additional duties and that the Commission's approval was sought because of the retroactive nature of the request. Mr. Hagmann noted that staff agreed with the Library's position that a 10% increase was appropriate. Vice-Chairperson McClain moved approval. This motion was seconded by Commissioner Tetlow. Voting in favor of the motion were Chairperson Craig, Vice-Chairperson McClain, and Commissioners Tetlow and Tullous. Commissioner Clark abstained.

Item #8 (m) was a request from the Library regarding retroactive pay for Mr. Lawrence Williams for performing work of a higher level pending the results of a job study request. Mr. Hagmann gave staff's presentation, which indicated that a retroactive provisional appointment to a higher class was appropriate. The Library and staff were in agreement on this matter. Vice-Chairperson McClain moved approval. This motion was seconded by Commissioner Tetlow. Voting in favor of the motion were Chairperson Craig, Vice-Chairperson McClain, and Commissioners Tetlow and Tullous. Commissioner Clark abstained.

Item #8 (n) was a request from Attorney Eric Hessler to address the working out-of-class claim of Ms. Cherie Guggenheim. Ms. Guggenheim was present and participated in this discussion. She had been asked to serve as the NOPD Awards Coordinator. Mr. Hessler stated that Ms. Guggenheim was offered additional pay

by the City, but that the amount offered was inadequate. He noted that the City's position was that, because Ms. Guggenheim did not meet the minimum qualifications for the position and because no NOPD awards ceremonies were held during this period, her compensation for these tasks should be reduced. Mr. Hessler requested that the Commission hold a hearing on the matter.

Director Hudson stated that there was no dispute that Ms. Guggenheim performed some of the duties of the position in question. She added that the matter was before the Commission because Ms. Guggenheim was not satisfied with staff's recommendation that she receive half of the additional pay that she would have received if she had been promoted to that class, which equaled to a 21.25% increase in pay. The reasons cited by Mr. Hessler (not meeting the minimum qualifications and not performing all of the tasks of the position), were given for granting this increase, rather than an increase of 100% of what the promotion would have yielded. Mr. Hessler opined that a Rule that would allow this situation was inherently unfair. Director Hudson stated that she supported the Rule as a defense of the merit system. Vice-Chairperson McClain noted that this situation was the under-filling of a position.

Mr. Hagmann stated that he thought that the offer to Ms. Guggenheim was a good compromise. He noted that the position should have been posted so that someone who met the minimum qualifications could have competed for the position. However, since this was not done and Ms. Guggenheim performed some of these duties, some additional compensation was appropriate. Ms. Stolp added the weaknesses in the Rules alluded to by Mr. Hessler were being addressed. She noted that language in new Temporary Work in a Higher Class Rule would require that positions vacant for more than three months be filled with a permanent appointment, which should prevent an employee from being asked to step up to a higher position for too long of a time. Vice-Chairperson McClain moved to deny this request, noting the potential precedence of this case. This motion was seconded by Commissioner Tetlow and approved unanimously.

Item #8 (o) was a request from Attorney Morris Reed, Jr. to appeal the results of a job study for Ms. Linda Paisant. Mr. Reed noted that Ms. Paisant was denied an allocation to a higher position based a job study. He stated that Ms. Paisant performed duties related to workers compensation coordination and risk management for the Sewerage and Water Board. Mr. Reed said that, after reviewing the information submitted, the denial seemed inappropriate.

Ms. Paisant also addressed the Commission. She stated that her request was two-fold: 1) she would like back pay for duties that she performed; and 2) she was also requesting reconsideration of her job study. Vice-Chairperson McClain noted that only the job study complaint was on the Commission's agenda. Director Hudson supplied the letter requesting to appear before the Commission and pointed out that the agenda description accurately reflected that letter. She added that she had requested a meeting with Mr. Reed to determine the nature of the complaint but no meeting occurred. Mr. Reed explained there was no meeting because of a misunderstanding and that he would be willing to meet with staff or attend another Commission meeting. However, Ms. Paisant stated that, because of her impending retirement, she did not have time to deal with this issue at future meetings. Vice-Chairperson McClain asked whether they would prefer that the Commission address the item on the agenda, or if they would prefer to meet further on the issue and then return to the next meeting, November 16, 2015, if no agreement can be reached. Director Hudson and Mr. Reed agreed to future meetings.

Item #8 (p) was a request from the administration to fill a Management Services Administrator position. Speaking on this request were Ms. Linda Copeland, and Mark Jernigan, Director of Public Works. Mr. Hagmann provided background. He stated that Ms. Copeland took a lateral transfer to fill a vacancy in the Public Works Department as a Management Development Supervisor I, but that the former incumbent of that position was a Management Services Administrator (a higher class). At the time that the position was filled, an analysis showed that the duties of that position had changed and staff felt that the allocation of Management Development Supervisor I was appropriate. Ms. Copeland was placed on the promotional register for Management Services Administrator in August 2014. In November 2014 a job study questionnaire was completed on that position. In January 2015 Ms. Copeland's position was reallocated to Management Development Supervisor II. Then, in June 22, 2015, a letter asking for reconsideration of the Management Service Administrator allocation for this position was received.

Mr. Jernigan told the Commission that the Department of Public Works is the fourth largest in the City and operates on a 24/7 basis. He noted that the number of personnel had increased from about 130 full-time equivalent positions to nearly 200. Ms. Copeland also detailed her duties and accomplishments.

Ms. Stolp stated that she had conducted the job study on the position and acknowledged that the department had likely grown since the November 2014 job

study questionnaire was completed. Vice-Chairperson McClain asked if the department agreed with the results of that job study. Director Hudson clarified that the department was not in agreement and had made their objections to the job study results known. She added that staff had not yet been able to re-investigate the issue. Director Hudson then noted that the Commission had dealt with a similar request at their last meeting, which could have prompted this one. Director Hudson indicated that delays in responses to job studies are the result of inadequate staffing in the Classification and Compensation Division. She added that this Division had just recently lost two employees. Commissioner Tetlow asked if there were a solution to this situation. Director Hudson indicated that staff would need to place a freeze on job study requests in the near term. Vice-Chairperson McClain indicated that staff would likely need more time and that this item could be considered at the Commission's next monthly meeting.

Item #8 (q) was the creation of a new position of Police Human Resource Administrator for the Police Department. Mr. Hagmann told the Commission that this class was suggested to respond to NOPD's request for a human resources position that is commensurate with the duties of the department and the added responsibilities arising from their federal consent decree. He stated that the action requested of the Commission was to re-title an obsolete class, Public Health Nursing Coordinator, to the new title for NOPD's use. Mr. Hagmann noted that the proposal has the support of the Police Superintendent. Director Hudson informed the Commission that she had approved this move in anticipation of Commission action. Commissioner Tetlow moved approval. Vice-Chairperson McClain seconded that motion and it was approved unanimously.

Item #8 (r) was a request from the Library to grant retroactive special qualifications pay to the Marketing Development Coordinator. Mr. Hagmann noted that the Library was unaware that the Rules allowed for additional pay for the possession of superior qualifications. Therefore, they were now requesting a retroactive pay equity adjustment for this employee. Director Hudson explained that, as the employee is already working at a lower salary, the request is about retention of the employee and invokes a "me-too" clause of the Rule. Mr. Charles Brown, the Director of the Library, addressed the Commission in support of the request. He noted that the employee is about \$13,000 behind other City employees who are similarly situated. Vice-Chairperson McClain moved approval of the request. Commissioner Tullous seconded that motion and it was approved unanimously.

Item #8 (s) was a request from Property Management to grant a hiring rate for the classification of Building Maintenance Manager. Mr. Hagmann stated that this was another request grounded in pay equity concerns. He noted that there have been recruitment and retention difficulties for this position. Therefore, staff recommended a hiring rate for the position and the Department of Property Management concurred with that recommendation. Commissioner Tetlow moved approval of the proposal. Vice-Chairperson McClain seconded that motion and it was approved unanimously.

Item #9 on the agenda was Recruitment and Selection Matters. Item #9 (a) was examination announcements. Announcements 9210 through 9226 were presented to the Commission. Commissioner Tetlow's motion for approval was seconded by Vice-Chairperson McClain and approved unanimously.

Item #9 (b) was a request for an exception to the minimum qualifications for the Fire Captain exam. Ms. Amy Trepagnier, Personnel Director, Assistant addressed this item. She noted the difficulties that candidates have had in producing proof that they have met the educational requirements for the test due to administrative issues at Delgado Community College. Ms. Trepagnier informed the Commission that staff and NOFD agreed that such candidates be allowed to sit for this test. She added that the request only covered potential candidates who had met the requirements, but were unable to produce documentation to that effect.

Also addressing this item was Mr. Clifton Moore, a New Orleans Firefighter. He argued that, because this test administration included a change in the minimum qualifications regarding the length of time on the job required, another change regarding attainment of education should be considered. Ms. Trepagnier explained that the request was only for those who had completed the coursework by October 2, 2015, the final date to file an application for this exam. After hearing this discussion, Commissioner Tetlow moved to grant the Superintendent's request regarding this test. Commissioner Tullous seconded that motion and it was approved unanimously.

Item #9 (c) was a request from the Police Department to amend the Police Officer II and all future classified promotional announcements to include information regarding the eligibility requirements for promotion. At this point, 1:26 p.m., Chairperson Craig left the meeting. Director Hudson read the proposed statement. Assistant Police Superintendent Stephanie Landry informed the Commission that this request was made to ensure compliance with NOPD's federal consent decree.

Mr. Hessler spoke on this item. He noted that the proposed language would hold up the promotion of someone who was the subject of an anonymous complaint. Such a complaint, Mr. Hessler pointed out, could be made with the sole purpose of delaying a promotion. Vice-Chairperson McClain noted that this appears to reflect current conditions.

The proposed language includes the condition that promotion would be denied only in those disciplinary cases where the presumptive penalty was termination. Commissioner Tetlow asked if this would mitigate the problem. Mr. Hessler explained that this was not that restrictive of a condition. He added any criminal allegation would have the presumptive penalty of termination. Mr. Hessler informed the Commission that the investigation of criminal allegations can take up to three years. Assistant Superintendent Landry added that the language was interpreted as narrowly as possible, given the restrictions written into the consent decree.

Commissioner Tetlow noted that the Commission has been supportive of employees whose promotions were being delayed because of an investigation, as evidenced by their denial of requests for an extension beyond the allowed 60-days to conduct an investigation. Mr. Hessler noted that the 60-day clause in the Police Officer's Bill of Rights does not cover allegations of criminal behavior and that those investigations can take much longer. Mr. Hessler suggested that those PIB investigations delaying promotion be moved to a higher priority.

Mr. Livaccari also addressed this item. He informed the Commission that the Public Integrity Bureau (PIB) had only four investigators assigned to conduct criminal investigations. Each of these investigators has a case load of 25 – 30 investigations and only about one or two of those have much merit. Those criminal charges with merit are prioritized first, while the other investigations languish. Assistant Superintendent Landry noted that Assistant Superintendent Arlinda Westbrook is in charge of PIB and questions regarding their operations should be addressed by Ms. Westbrook. Director Hudson informed the Commission that the request before them was only to add a note to the official announcements. Commissioner Tetlow noted her concern with the workload and backlog of PIB. However, this concern was tempered by the knowledge that the action requested was only to add a note to the job announcement. She then moved approval of this request. This motion was seconded by Vice-Chairperson McClain and approved unanimously.

Item #10 on the agenda was the Ratification of Public Integrity Bureau (PIB) 60 Day Extension Requests. Speaking on this item was Sergeant Lisa Mimms who wanted to express to the Commission the dedication and hard work of those officers who work in PIB and make these requests for extension. Commissioner Tetlow moved that the recommendations of the hearing officer for 60-day extensions be approved. She also noted for the record that she was abstaining from the matter of Corey Lymous. This motion was seconded by Vice-Chairperson McClain and approved unanimously.

Item #11 on the agenda was Communications. Item #11 (a) was a report on ADP ongoing issues. Speaking were Mr. Roy Guercio, Comptroller, Mr. Hagmann, and Ms. Stolp. Mr. Guercio reported that they were putting in place the programming to take care of both the fire dual assignment issue and the over withholding of pension for Firefighters. Ms. Stolp noted that the issue with access to personnel history contained in the old payroll system, AHRS, is still outstanding. She added that there is a need to have someone who has approval abilities if an action directly affects a departmental human resource manager. Ms. Stolp voiced the need for a standard practice. Mr. Guercio and Director Hudson suggested that parties get together to discuss this issue.

Item #11 (b) was a report on the NEOGOV conversion. Director Hudson informed the Commission that there was nothing to report on this issue.

Item #11 (c) was a report on Civil Service staffing issues. Director Hudson explained that the Classification and Compensation Division had recently had two employees leave the Division, which represents half of the four-person unit. She also distributed an illustration of the workload handled by that unit. Director Hudson explained that the two remaining employees in the Classification and Compensation Division could address the issues that arose at the last two Commission meeting and handle the day-to-day approvals needed to process payroll. However, she indicated that new job study requests would need to be put on hold. Commissioner Tetlow asked how long this situation may last. Director Hudson informed the Commission that the personnel forms have been approved and interviews held toward replacing these two employees. She added that the new employees would need to be trained, which would take time.

Vice-Chairperson McClain asked if the input of the Commission was needed in prioritizing the work of this Division. Director Hudson responded that the top priorities are ensuring payroll is run correctly and the current issues before the Commission. In response to a question from Commissioner Tetlow, Director

Hudson noted that job study requests are generally for current employees. This situation can be settled with back pay, if warranted. Vice-Chairperson McClain pointed out that the Commission now had full-time counsel, Brendan Greene, who may be of assistance in this matter. Director Hudson added that she had also requested additional staff to carry out an audit function that was recently added to the duties of this Division. She added that the ADP payroll system and the ADP personnel system are not tied, further complicating the audit function.

With no other communications to consider, on motion of Commissioner Tetlow and seconded by Commissioner Clark, the Commission voted unanimously to adjourn the meeting at 1:49 p.m.



Ronald P. McClain, Vice-Chairperson



Joseph S. Clark, Commissioner



Tania Tetlow, Commissioner