

**CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
Monday, April 19, 2021**

The regular monthly meeting of the City Civil Service Commission was held on Monday, April 19, 2021 via Zoom pursuant to the Louisiana Open Meetings Law, specifically, La. R. S. 42:17.1. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Chairperson Brittney Richardson, Vice-Chairperson Clifton Moore Jr., Commissioner John Korn, Commissioner Mark Surprenant, and Commissioner Ruth White Davis. Commissioner Richardson convened the meeting at 10:01 a.m. The Commission then proceeded with the docket. At 10:10 a.m. on the motion of Commissioner Korn and the second of Commissioner Davis, the Commission voted unanimously to go into executive session. At 10:30 a.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

Item #1 was the minutes from March 22, 2021. Commissioner Moore motioned to approve the minutes. The motion was seconded by Commissioner Davis. The motion was approved unanimously.

Item #2 a under Recruitment and Selection Matters was requests from the Fire Department and the New Orleans Firefighters Association Local 632 to extend the register for Fire Captain for an additional year. Personnel Director Amy Trepagnier noted that the list will be five years old at the end of April. Under the Rules, staff can extend eligible lists for up to three years and the Commission can extend them up to five years. This would be an exception to the Rule. Aaron Mischler, representing New Orleans Firefighters Association Local 632, asked that the list be extended for a year due to almost two years of litigation, Covid, and other factors. Personnel Director Amy Trepagnier noted a test was not likely until 2022. She recommended an eight-month extension to allow for more time to establish a new eligible list. Mr. Mischler stated there would be no new eligible candidates in the next year, so no one would be injured by extending the list. Director Trepagnier asked to return to this item later in the meeting to allow time for her staff to verify that information. Commissioner Moore exited the meeting at this time.

Item #3 was the ratification of Public Integrity Bureau (PIB) Extension Requests. Commissioner Richardson called for public comment. There being none, Commissioner Davis moved for approval of the 30, 45 and 60-day extension requests. The motion was seconded by Commissioner Korn and approved by Commissioners Richardson, Surprenant, Korn and Davis. The motion carried.

Commissioner Surprenant motioned to take up items #4 through #6. These items required at least two thirds vote of the Commission to be considered pursuant to L.A. R.S. 42:17.1. Commissioner Davis seconded the motion to take up these items and the motion was approved by Commissioners Richardson, Surprenant, Korn and Davis. The motion carried.

Item #4a under Rule Amendments was a request to amend Rule VI Section 6.1 and Rule VII Section 2.9 relative to investigations of appointments and promotions. Director Trepagnier requested deferral of this item. Commissioner Korn motioned to defer the item. The motion was seconded by Commissioner Surprenant and approved by Commissioners Richardson, Surprenant, Korn and Davis. The motion carried.

Item #4b was a request to amend Rule II Section 4.17 relative to disciplinary appeals. Commissioner Surprenant proposed the following addition to the Rule, "The entire appeal process from the date of the receipt of the employee appeal by the Department of Civil Service to the date of the rendering of a decision by the Commission shall be completed within six (6) months, absent exceptional circumstances justifying the need for further time beyond six months as approved by the Chairperson of the Commission." The proposal will lay over to the May 2021 meeting. If approved, the amendment would be effective June 1, 2021. It would not affect pending appeals. Commissioner Surprenant noted the importance of the Commission providing meaningful, effective and efficient justice for all parties involved in the appeal. He stated this proposal emphasizes the importance of working together to meet this overall deadline to all involved in the process. Donovan Livaccari, representing the Fraternal Order of Police, noted his support for the proposed addition. Elizabeth Robins, representing the Law Department, suggested an addition to state that as each deadline is met there is a minute entry that goes to all parties. Commissioner Surprenant stated it was a good idea. Ms. Robins noted she would submit the suggestion in writing. Christina Carroll, Executive Counsel for the Commission, suggested the notice be sent via email rather than a minute entry. Ms. Robins agreed. Commissioner Davis then asked

about the current timeline for the process. Commissioner Surprenant responded the hearing is to be scheduled within 60 days of the filing of the appeal, the court reporter has ten calendar days to provide the transcript, and the hearing examiner has 15 days to provide the Commissioners with a report assuming there are no requested post hearing memorandum. The Commissioners then have 90 days to render a decision. This item will be voted on at the next Commission meeting.

Item #4c was a report on the status of the working committee to amend Rule III section 7.1(b) relative to the creation of additional unclassified positions. Commissioner Surprenant stated that at his request, a committee had been formed at the January Commission meeting with the intent to report back at the Commission's April meeting. Committee members included Commissioner Surprenant, Donovan Livaccari, Christina Carroll, Amy Trepagnier, Elizabeth Robins, Jonathan Wisbey, Nathalie Simon, Coleman Ridley, and Commissioner Clifton Moore. The committee has met regularly since its first meeting on February 3rd and has had many excellent discussions of the pertinent issues. The committee is still discussing and analyzing a number of substantive issues so it would be premature to make a recommendation at this time. Commissioner Surprenant stated he planned to make a recommendation at the Commission's June 2021 meeting with a vote to be taken at the July 2021 meeting. He then thanked the members of the committee for their contributions.

Item #5 was the consideration of House Bill 315 which proposes to amend Article X, Sections 9 and 20 of the Constitution of Louisiana, to authorize certain political activities on behalf of family members by commission members, classified employees, and officers of certain civil service systems; to provide for submission of the proposed amendment to the electors; and to provide for related matters. Daniel Sullivan, representing the Louisiana Civil Service League, stated House Bill 315 is a proposed constitutional amendment. If approved, it would weaken the little Hatch Act protections in Article X against political activity. These provisions exist to protect our state classified employees, City of New Orleans, City of Opelousas, and Plaquemines Parish classified employees against political activity. The danger of this bill is that it opens the door for classified employees to enter the political arena. It is the first step in eroding protection from political activity. It is a self-serving bill that would allow politicians to use their family members who are classified employees as campaign workers. Mr. Sullivan asked the Commission to pass a resolution requesting the author to exclude

the City of New Orleans from this legislation. Aaron Mischler, representing the Firefighters Local 632, stated he did not believe there was backlash for backing the wrong candidate. He is confident that if there is backlash or retaliation then it can be brought to the Commission and dealt with. He stated that the Hatch Act is grossly unconstitutional. There are states and municipalities across the country who are becoming un-Hatched. Mr. Sullivan stated that the Hatch Act has been upheld as constitutional. Commissioner Surprenant motioned to pass a resolution to oppose House Bill 315 and oppose the inclusion of the City of New Orleans in this proposed legislation. Commissioner Surprenant noted he has seen, from a legal perspective, situations where people have been adversely affected if they do not support the right candidate. The motion was seconded by Commissioner Korn and approved by Commissioners Richardson, Surprenant, Korn and Davis. The motion carried.

Item #6a under Recruitment and Selection Matters was the approval of examination announcements 10399-10410. Commissioner Korn moved to approve the announcements. Commissioner Surprenant seconded the motion and it was approved by Commissioners Richardson, Surprenant, Korn and Davis. The motion carried.

The Commission then returned to item #2. Director Trepagnier stated there appears to be a number of people will be eligible to take the Fire Captain's exam next year. Based on that information, she would recommend the eight-month extension. Commissioner Surprenant asked is there a funding issue that is causing the extension. Director Trepagnier stated that staff had made a supplemental budget request of \$155,000 for testing, but the funding had not been received. Funding is the number one thing that delays testing. The Civil Service Department is hoping to get more money for testing next year. Commissioner Surprenant urged Director Trepagnier to ask for funding again. Mr. Mischler stated eight months would be a good compromise. He asked for an evergreen provision in case there was an emergency that precluded the Commission from meeting in December. Ms. Carroll noted the Commission has rules in place to address emergency situations. Commissioner Surprenant motioned to make an exception to the Rules and extend the promotional list for Fire Captain for eight months. Commissioner Korn seconded the motion and it was approved by Commissioners Richardson, Surprenant, Korn and Davis. The motion carried.

Commissioner Korn moved for adjournment at 11:28 a.m. The motion was seconded by Commissioner Surprenant and approved by Commissioners Richardson, Surprenant, Korn and Davis. The motion carried.


Brittney Richardson (Jun 29, 2021 16:17 CDT)

Brittney Richardson, Chairperson


CJ MOORE (Nov 10, 2021 08:56 CST)

Clifton Moore Jr., Vice-Chairperson


J H Korn (Nov 10, 2021 16:41 CST)

John Korn, Commissioner


Mark C. Surprenant (Nov 10, 2021 16:48 CST)

Mark Surprenant, Commissioner