

CIVIL SERVICE COMMISSION  
REGULAR MONTHLY MEETING  
Monday, June 26, 2017

The regular monthly meeting of the City Civil Service Commission was held on Monday, June 26, 2017 at 1340 Poydras Street, Suite 964. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Chairperson Michelle Craig and Commissioners Stephen Caputo, Joseph Clark and Tania Tetlow representing a quorum. Chairperson Craig convened the meeting at 10:05 a.m. Vice-Chairperson Ronald P. McClain joined the meeting at 10:08 a.m. The Commission then proceeded by sounding its docket. At 10:34 a.m., on motion of Commissioner Tetlow and second of Commissioner Clark, the Commission voted unanimously to go into executive session.

At 11:18 a.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

The Commission then took up docket item #8671, Timothy Dugan versus the Department of Parks and Parkways. Brendan Greene, the Commission's Special Counsel confirmed that he had spoken with both parties and that the appellant now has an understanding of the impact the settlement agreement reached by the parties has on his creditable service time and additionally, that he will have the option to buy back his time should he so choose. Commissioner McClain moved for ratification of the agreement. The motion was seconded by Commissioner Clark and it was approved unanimously.

Item #1 was the minutes from the April 10, 2017 and May 15, 2017 meetings. Commissioner Tetlow moved to approve the minutes. Commissioner McClain seconded the motion and it was approved unanimously.

Item #2 was a report on delegation of authority to the Sewerage and Water Board (S&WB). Brendan Greene, reported that between January 17<sup>th</sup> and late May of 2017, the Sewerage and Water Board made 194 appointments and promotions. About half of those were in delegated positions. Part of the Commission's constitutional mandate requires an audit of those appointments and promotions. He noted that this audit was ongoing, but provided some initial observations. He noted that there had been much mention of the number of vacancies at S&WB, but that a true measure of those vacancies is the number of requisitions submitted to fill them. The requisition is a formal

request to fill a vacancy. During the time in question, it took Civil Service staff an average of three days to review and approve the requests to fill a vacancy. Staff's role ends there for delegated classifications. S&WB's human resources staff receives and reviews all of the applications and creates eligible lists. The auditing process will determine if those applicants did in fact meet the minimum qualifications established on the announcement. If they do not meet those minimum qualifications, the Personnel Director has the authority to instruct the appointing authority to remove the person from the eligible list. He noted that the first step in the audit was to make sure that the candidates had been appointed from an eligible list. Mr. Greene noted that based on the limited review that had been conducted, it appears that they had, but there are more appointments to look at.

Commissioner McClain noted his concern that someone could be appointed and after a lengthy time it could be found that they did not qualify. Mr. Greene stated that he was still working with S&WB's Special Counsel with respect to S&WB's compliance with the delegated authority manual because compliance with that manual is still intermittent. Commissioner McClain noted that the full audit should take place sooner rather than later if a consequence is removal from the job. Mr. Greene noted that a lot of the appointments made to date were in job classifications that only required a high school diploma, for example the approximately 40 appointments to Utility Plant Worker. It would only be a matter of if the applicant had submitted ample proof of possession of that diploma. Shelly Stolp, Personnel Administrator over the Recruitment and Selection Division, noted that there is a test for the Utility Plant Worker position and several other positions. She stated that for positions with tests, staff would not administer the test without first confirming that the applicant met the qualifications. Commissioner McClain noted that the most important part of the review was to determine if people who are unqualified are getting appointed to positions and that if that was the case a determination needs to be made as soon as possible. Director Hudson reminded the Commission that she had asked for auditors for this purpose and for auditing hiring above the minimum because she did not want to come back after a person was hired and recommend removal. She stated that having people dedicated to that, especially at the beginning of the process, would be helpful. Commissioner McClain stated that he thought it made sense to do it overall, but specifically looking at a review of the delegation to S&WB. Director Hudson agreed. She noted that she had asked for auditors in last year's budget request and this year's budget request.

Mr. Greene stated that employees hired as Utility Plant Workers and Networks Maintenance Technician Is, which are entry level positions, spent an average of six months on the eligible list, meaning that they were deemed eligible for hire and then nothing happened for six months. There is no other step or authorization that the Appointing Authority needs from Civil Service during this time to hire the person. Commissioner McClain asked what S&WB's response was when this was brought to their attention. He noted that the delegated process was approved because S&WB need to hire more workers. If there are people on the list for six months, what is the reason for that. Mr. Greene responded that S&WB had not yet responded to a correspondence sent early last week with some follow up questions regarding these numbers as they relate to overtime pay and vacancies. Commissioner Craig noted that we want to make sure that overtime is not being used in areas that people can and should be hired into. She stated that we want to be sure we are reviewing that and getting down to the reasons it is not happening if that is the case. Mr. Greene noted that that goes for all appointing authorities and that the department would be following up with that data with other departments in order to avoid the situation the Commission is often in in December or January where it receives general information on overtime use rather than specific information on particular classifications. The overtime rule is in effect to determine if overtime is being used to circumvent the four corners of the pay plan. Commissioner Craig noted that Civil Service is here to help departments come up with hiring plans in lieu of overtime. Commissioner McClain asked Mr. Greene if there were any conclusions about delegation at this point. Mr. Greene responded that in terms of measuring if delegation is working, it is important for the Commission to develop some metrics to answer that question. Commissioner McClain noted that the question is whether or not that large group of hires S&WB indicated was a problem has moved forward more expeditiously than before the delegation process. Mr. Greene stated that we have the data to answer that question. He stated he believes that what it will show is that a lot of it has to do with internal capacity on the part of S&WB. They have recently made a number of hires particularly in entry level positions, but it has taken them six months to do so. There is no question that it is trending better than when we first started, but it is worth asking questions about the variables that affect that pace. Commissioner Craig noted it was important to monitor any issues to determine if they are Civil Service issues or S&WB issues. Commissioner McClain noted that if we come to the conclusion that delegation is not working, we want to stop that and maybe try something else.

Item #3(a) under Classification and Compensation Matters was a request from the Police Association of New Orleans (PANO) for a 5% special rate of pay for Homicide Detectives and to address the issues of creating a Pay Classification for Detectives. Personnel Director Lisa Hudson reported that Police Superintendent Michael Harrison and Chief Administrative Officer/First Deputy Mayor Jeffrey Hebert had submitted a letter supporting a 5% special rate of pay for employees in the classifications of Police Officer I-IV, Sergeant and Lieutenant when assigned detective responsibilities in the Homicide Section. Unclassified Police Commanders would not be eligible. Eric Hessler, representing PANO, clarified that they would also request that Captains and Majors assigned to the Homicide Section be included. Robert Hagmann, Personnel Administrator over the Classification and Compensation Division, noted that the special rate of pay for the Special Victims Unit did not include Captains or Majors, but there are other special rates of pay that do include those job classifications. He gave the example of Police Academy Instructor Pay. He said that staff would recommend including those classifications.

L.J. Casanova, a retired Police Major and former Homicide Detective, stated that since New Orleans has the reputation of being the worst crime ridden city in the country, why wouldn't you consider a 20% raise for the detectives who are doing the work day and night. He stated it was disgraceful to treat these people like you do other 5% people. There is something wrong with this system and he asked that the Commission at least endorse what he labeled as a Mickey Mouse proposal. Commissioner McClain thanked him for his service.

Donovan Livaccari, representing the Fraternal Order of Police (FOP), stated it is important for the Department to maintain forward momentum because it is going to take bold measures in order to overcome the recruiting and manpower issues NOPD faces.

Eric Hessler stated that PANO is working with the Department on the detective career tract and progress is being made. Mr. Hessler asked that the item be rolled over to the next Commission meeting to keep moving forward. Director Hudson reported that the Classification and Pay study consultant, SSA, was present at a recent meeting with NOPD and PANO.

Commissioner McClain moved to approve the request as proposed by NOPD to include Police Officer I-IV, Sergeant and Lieutenant and exclude Captains and Majors. Commissioner Clark seconded the motion and it was approved unanimously.



Item #3(b) was a request from the French Market for a new classification of French Market Security Manager. Robert Hagmann noted that the proposed new classification is based on a job study request to create a comprehensive security position for the French Market encompassing the oversight of the department's safety, security and emergency response programs. He stated that the French Market has recently expanded to take over parking facilities and providing oversight of nearby parks. The position will be exempt from overtime and will have an entrance rate of \$49,889 up to \$63,960 per year based on possession of extraordinary qualifications.

Kathleen Turner, the Executive Director of the French Market, stated that the department's staff has tripled and there will be additional staff hired. The City has assigned the French Market additional properties in the French Quarter for which it is responsible. The head of Security is now expected to create manuals, develop systems and implement them. The scope of responsibilities have been enhanced.

Commissioner McClain moved to approve the request. Commissioner Tetlow seconded the motion and it was approved unanimously.

Item #3(c) was a request from the Library for an exception to Rule III, Section 4 to grant temporary pay to Ms. Chelbi Brickley, Office Assistant Trainee. Commissioner Clark recused himself from this item. Robert Hagmann stated that the Library is requesting an exception to the three month limitation of the temporary pay rule, due to Ms. Brickley's assuming the duties of a person who was out on extended leave. Staff is recommending approval.

Commissioner McClain moved to approve the request. Commissioner Tetlow seconded the motion and it was approved unanimously by the voting Commissioners.

Item #3(d) was a request from the Fire Department for an exception to Rule VII, Section 2 to allow for an interruption of the working test period for Firefighter Dana Harris. Director Hudson stated that she and the Fire Superintendent were jointly making the request. She noted she had reviewed the situation and had agreed to approve a temporary provisional appointment for this employee who is a Firefighter who had to be assigned to light duty because she has a medical issue preventing her from performing the regular work of a firefighter. Director Hudson requested an exception to Rule VII, Section 2 because it was not clear if the rules allowed for this interruption of the working test period. Commissioner McClain asked how a provisional

appointment impacted if an assignment was light duty or not. Director Hudson explained that it was a combination of two things happening at one time. She noted that the Chief was concerned about not being able to evaluate this person in the classification of Firefighter I because she is assigned to light duty. The idea is to stop the probationary period while the person is assigned to work other than that of a Firefighter I. When she is able to go back to doing that work, the probationary period would resume and the Chief could evaluate her against those duties and not the light duty work. Commissioner Caputo asked what would happen if a person was unable to perform even light duty. Chief Timothy McConnell noted that if the person is not able to perform light duty, they are not in a permanent classification. The other alternative is to put them on leave without pay. He further noted that this individual went through Civil Service testing and Fire Recruit Training, but has virtually no experience on the fire truck. The person has no sick or annual leave and is not FMLA qualified. He stated he would not feel comfortable letting a year pass and making her permanent as a Firefighter I with no experience as a Firefighter. He stated he was not concerned with setting a precedent. NOFD has invested a lot of time in this person already. We think this is a good candidate with something out of their control. We think it is worth it to retain this person. She left another career and has spent four months in training.

Commissioner McClain urged the Chief and Civil Service staff to consider protocol for similar situations that arise in the future. Director Hudson noted that staff was planning on proposing a rule change.

Nicholas Felton, representing the New Orleans Firefighters Association, stated that he supported the request conceptually but was concerned about the far reaching impact. He stated he reserved the right to comment on any proposed rule change.

Superintendent McConnell noted the situation had been discussed with the employee.

Commissioner Tetlow moved to approve the request. Commissioner McClain seconded the motion and it was approved unanimously.

Item #4(a) under Recruitment and Selection Matters were examination announcements #9627 to #9680. Commissioner Tetlow moved to approve the announcements. Commissioner McClain seconded the motion and it was approved unanimously. Director Hudson noted that at the last meeting there

was a request that the Recruitment staff working on those announcements and the reorganization changes be introduced to the Commission. Shelly Stolp, Personnel Administrator of the Recruitment and Selection Division stated that staff had taken on a large challenge and responded well. The Recruitment staff then proceeded to introduce themselves and list the departments they serve as Consultants.

Commissioner Craig stated that the Commission is beyond appreciative of the job staff does. The Commission knows you are doing your job in addition to working on the things that are helping Civil Service modernize which means we are giving you a job on top of a job on top of a job and expecting you to work miracles in a short time and clearly you are working those miracles. We can't express how much we appreciate that because without you this whole thing grinds to a halt. In these meetings it seems like we are antagonizing each other and fighting sometimes, but we are all an integral part of a team. We appreciate the work you do and we know that you are the people in the trenches, so you see the things we don't see. If there is something you see that needs to be tweaked to improve the system, please come to Lisa, Shelly or the Commission.

Director Hudson noted the wonderful work that Shelly Stolp had done in a short period of time with transitioning to the new model.

Commissioner McClain added that staff does a tremendous job. If we didn't have employees we couldn't do it.

Item #5 was the ratification of Public Integrity Bureau (PIB) 60 day extension requests. Chairperson Craig called for public comment. There being none, Commissioner McClain moved to approve the extensions. Commissioner Tetlow seconded the motion and it was approved unanimously.

Item #6 (a) under communications was a report on ADP ongoing issues. Robert Hagmann reported that eligible administrative employees had received their merit increases this week and Police will receive theirs this week. Staff is working with Finance to implement the EMS special rates of pay approved by the Commission. The history conversion of mainframe data to ADP had also been completed. Staff will be working with Finance on any issues that arise as a result of the conversion.

Item #6(b) was a report on Civil Service Budget and Staffing. Director Hudson reported that staff had volunteered and attended the Society for Human Resource Management (SHRM) annual conference and had received over 100 hours of professional development and training on topics such as FMLA, ADA, performance evaluations, overtime and millennials.

Director Hudson stated that she was still awaiting confirmation regarding payment for the buildout of additional office space. She noted that she has been in contact with Jeffrey Alston, the project lead in Property Management who has been checking with his director, but he believes that the item is with the Chief Administrative Office. Rebecca Atkinson who has taken over for Alexandra Norton said that she would check with that office. Ms. Atkinson stated that this item would be discussed at a meeting to be held later that day. She further stated that we haven't seen any issues with the proposed budget so far. Commissioner McClain clarified that it is going to happen. Ms. Atkinson replied it will depend on whether or not this office moves into the VA building.

Item #6(c) was a report on the comprehensive classification and salary study. Director Hudson distributed a report prepared by SSA, the contracted consultant working on the comprehensive classification and salary study. The report stated that since the request for job analysis questionnaires (JAQ) first went out in April, they had received 2148 responses from 23 departments. SSA is currently reviewing this data. Meetings with department heads have begun with the goal to complete those meetings in July. Attrition data has been received and preliminary analysis is underway. They are anticipating a deeper dive with certain departments with certain benchmark jobs. Initial hot spots are being identified and reviewed. Some preliminary job survey matching and benefits analysis have begun. Macro datasets are being organized into a new data architecture to support system wide analysis.

Director Hudson stated that SSA is not satisfied with the number of JAQs received, so they have asked staff to talk with departments to get critical missing information. There are approximately 4000 employees and they want to get as many as possible.

Clifton More, representing the New Orleans Firefighters Association, noted that it had been approximately two years since this process had been initiated. He noted the union had had limited involvement so far. Director Hudson stated that the consultant had met with the Police Department and she believed



they intended to meet with the Fire Department and the Union. She offered to check with the consultant for a timeline for those meetings.

Commissioner McClain asked if the deadline had been pushed back from July. Director Hudson responded that her understanding is that the anticipated completion date is October. Commissioner McClain noted that at one point the completion date was sooner, but that data collection must have changed that. He noted that initially a 10% response rate was proposed, but Director Hudson had rightfully determined that that was just not enough. Director Hudson noted the response rate is approximately 50% at this point, and SSA would like additional responses. They are currently working on hot spots, but would like more questionnaires. Director Hudson also noted that when SSA met with NOPD, that meeting included the unions. That meeting was mainly about the detective series.

Nick Felton noted that the membership is interested in the timing. He stated that merit pay is being given and special rates of pay are being considered, but fire is not receiving those. Other things are constantly put head of Fire who is at the bottom of the scale and barely making minimum wage. He offered data to help streamline the process.


Commissioner McClain asked Director Hudson to provide Mr. Felton a timeline on meetings with SSA. Mr. Felton requested a copy of SSA's report and Director Hudson said she would provide it. Commissioner Craig requested next steps with a timeline. Director Hudson said she would get that information from SSA.

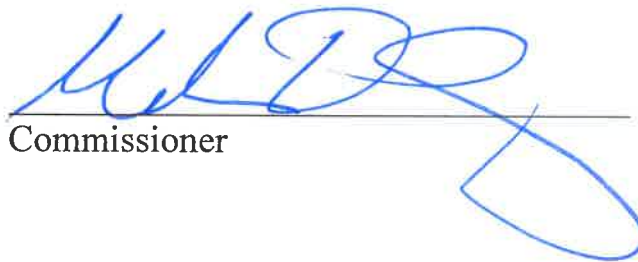
Nick Felton noted that the budget cycle requires that the budget be in by November 30<sup>th</sup>, so the timing of the results is important.

Item #6(d) was a report on the Civil Service Commission Election. Director Hudson stated that staff had received the results of the election from the contractor and would be notifying the candidates in the next day or two. Following that notification, the results will be sent to the Commission and the City Council. The Council would receive the names of the top three vote getters and would select the employee representative from those names. She noted that the vacancy occurs on August 17<sup>th</sup> and the person's first meeting would be in September. The information will also be posted on the Department's website.

There being no additional business to consider, Commissioner McClain moved for adjournment at 12:23 p.m. The motion was seconded by Commissioner Clark and approved unanimously.

  
Commissioner

  
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