

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
MONDAY, DECEMBER 21, 2015

#1

The regular monthly meeting of the City Civil Service Commission was held on Monday, December 21, 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 and Tania Tetlow, representing a quorum. Commissioner Joseph S. Clark was absent. Chairperson Craig convened the meeting at 10:08 a.m. The Commission then proceeded by sounding the Commission's docket. At 11:31 a.m., on the motion of Vice-Chairperson McClain, seconded by Commissioner Clark, the Commission voted unanimously to go into executive session to discuss matters taken under advisement and pending litigation. At 11:57 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 November 16, 2015 regular meeting and the November 30, 2015 special meeting. Commissioner Tetlow moved approval of the minutes. Commissioner Tullous seconded the motion and the minutes were approved unanimously.

As the Commission began to address the second item on its agenda, Ms. Alexandra Norton, Director of Service and Innovation, informed them that there were two requests to amend the agenda. Both requests to take up matters not appearing on the agenda were made by the administration on behalf of the Police Department. The first of these was to allow NOPD Commander Derrick Frick to continue to receive the special rate of pay that accompanies the Commander position, even though he is unable to perform the duties of this job because of an on-duty injury. The second was a request for a 5% special rate of pay for those working in NOPD's Special Victims Unit. A motion to add these two matters to the agenda was made by Commissioner Tetlow and seconded by Vice-Chairperson McClain. Because this motion was approved unanimously, both items were added to the agenda.

Speaking on the matter regarding Commander Frick were NOPD Superintendent Michael Harrison, Ms. Elizabeth Robbins from the City Attorney's Office, and Personnel Administrator Robert Hagmann. Superintendent Harrison explained that Commander Frick had been shot and faces a lengthy recovery period. He

requested that Commander Frick be allowed to continue to receive his pay as a Commander, while concurrently allowing NOPD to offer this additional pay to another individual who will be performing this work in Commander Frick's absence. Vice-Chairperson McClain asked for justification for continuing this pay. In response, Ms. Robbins noted that Commander Frick would continue to receive this special assignment pay if he were out temporarily on annual or sick leave.

Mr. Hagmann cautioned the Commission that the issue had not been properly vetted by public notice. He continued, noting that the Commander special rate of pay works to create something of a "pseudo-class" and has a limit of 16 people who may receive this pay. Mr. Hagmann suggested that this request may require a change to the pay plan, which would necessitate City Council action in addition to the Commission's vote.

Ms. Robbins stated that the continuing of Commander Frick's pay was less of an issue than is the additional pay to the individual who will be performing Commander duties in his stead. She added that such pay may be authorized using Rule IV, Section 2.2. Ms. Robbins outlined conditions required by this Section of the Rules:

- First, the employee receiving pay must hold the position for at least five days.
- Second, the authorization for such pay is only good for one year without renewal by the Commission.
- Third, the Commission must approve pay increases greater than 5%.

Director Hudson explained that this Section of the Rules allows for special assignment pay for taking on an exceptional project within one's class of positions. As such, Director Hudson suggested that a 10% increase may be appropriate, given that Commander is not a classification, but a special rate of pay. Commissioner Tetlow asked Superintendent Harrison what level of pay he was requesting. He replied that NOPD was requesting 20%, as this is the amount that would be received by a Commander and the duties to be performed are those of a Commander. Superintendent Harrison noted that this would be a temporary assignment, but that Commander Frick faces a lengthy recovery period. Director Hudson reiterated staff's objection to this proposal for the record.

There was discussion regarding how Civil Service is informed that an employee will be unable to work for an extended period of time. Assistant Personnel Director Amy Trepagnier explained that NOPD submits paperwork to transfer an officer from their normal duty assignment to the Alternate Duties Division (ADD).

This reassignment is based on NOPD's internal policies and was imminent for Commander Frick, thus their request. Ms. Robbins explained that the administration was suggesting that NOPD not move Commander Frick to ADD, allowing him to keep his pay. Then, they would pay the person performing those duties of a Commander during his recovery additional money as allowed by the Special Assignment Pay Section of the Rules. Commissioner Tetlow made a motion to allow Commander Frick to retain his position and pay as a Commander, and also to allow 20% extra pay for his replacement. This motion was seconded by Vice-Chairperson McClain and approved unanimously.

The next matter added to the agenda that was discussed was a request for a 5% special rate of pay for those working in NOPD's Special Victims Unit. Representing NOPD on this matter were Deputy Mayor Emily Arata, NOPD Deputy Chief of Staff Jonathan Wisbey, and NOPD Assistant Superintendent Stephanie Landry. Mr. Wisbey began. He noted that, after a nearly one year review of the workings of this unit by citizen advocates, the inability to retain well-qualified detectives in this unit was identified as an issue. Deputy Mayor Arata then informed the Commissioners that this request was in response to recommendations from the Mayor's Sexual Assault Advisory Committee. She added that NOPD has budgeted for this additional pay.

Mr. Hagmann noted that staff had received a request in August for additional pay for all officers who serve as detectives. Staff then requested additional information regarding this request, but has yet to receive a response. Mr. Hagmann mentioned this point to highlight concerns that detectives in other units, such as Homicide and Narcotics, would receive inequitable compensation with the passage of this proposal. He also noted that, as with the previous item, this proposal was not publicly vetted. Deputy Mayor Arata responded. To Mr. Hagmann's first point she replied that the request for a detective series of classes was not before the Commission and was separate from this request regarding Special Victims Unit detectives. Deputy Mayor Arata then also noted that the recommendations of the Mayor's Sexual Assault Advisory Committee were presented publicly to the City Council. She added that the matter was also a subject of concern with NOPD's Federal Consent Decree. Director Hudson noted that staff did not have the opportunity to review this proposal and had no recommendation.

Four people commented on this matter:

1. Fraternal Order of Police (FOP) attorney, Mr. Donovan Livaccari;
2. Police Association of New Orleans (PANO) attorney, Mr. Eric Hessler;

3. The head of the Black Organization of Police (BOP), Captain Simon Hargrove; and
4. FOP Attorney, Mr. Claude A. Schlesinger.

Mr. Livaccari began, providing support of the proposal on behalf of FOP members with this assignment. He also noted that other detective assignments, such as the Homicide Unit, face similar challenges and are also deserving of additional pay. Mr. Livaccari suggested an overall study of the special rates of pay. He pointed out inequities are caused because some special rates of pay are given on a percentage basis, while others are granted based on an annual dollar figure. Mr. Livaccari used the disparity between the special rate of pay earned by bomb technicians and that earned by academy instructors to illustrate this point.

Mr. Hessler then commented, adding PANO's support for the concept of additional pay for these detectives. He added that there are many other deserving officers. Captain Hargrove and Mr. Schlesinger added additional supportive comments, but continued the theme of the earlier speakers that other detectives should be recognized for their efforts and are also deserving of additional pay. To this point, Assistant Superintendent Stephanie Landry noted that NOPD Administration will take on a comprehensive look at the pay for all detectives in the first quarter of 2016.

Commissioner Tetlow noted that she chaired the Mayor's Sexual Assault Advisory Committee. She added that this issue is related to the NOPD Federal Consent Decree mandates. Additionally, Commissioner Tetlow stated this proposal was not about the relative merit of the work done by NOPD detectives; rather, the proposal was to address disincentives to work in this unit. In an exchange with Mr. Hessler, she characterized staffing for this unit as a "crisis." After all comments were heard, Vice-Chairperson McClain moved approval of a special rate of pay of an additional 5% for Officers, Sergeants, and Lieutenants assigned to the Special Victims Unit. This motion was seconded by Commissioner Tetlow and approved unanimously.

At this point, the Commission decided to take agenda Item #3 out of order since it was also a Police matter. This was a request from the administration to create a new position of Academy Director for the New Orleans Police Department. Mr. Hagmann provided staff's comments. He noted that the position would require a doctorate and a publication record and would be required to implement Consent Decree related changes. Mr. Hagmann next expressed staff's concerns that the

position would minimize the responsibilities of the current Police Commander in charge of the Police Academy and Police Curriculum Developer position recently approved by the Commission. He stated that staff would be agreeable to this proposal, if NOPD addressed these concerns. Mr. Hagmann stated that the title of the new proposed position would be Police Academy Administrator at Pay Grade 100 (\$81,999, up to \$105,126 with superior qualifications).

Mr. Wisbey responded. He opined that the proposed salary was too low. Mr. Wisbey stated that, should no one be found to fill this position at the salary advertised, NOPD may have to appear before the Commission again in a few months with a request to increase this salary. He also addressed staff's concerns regarding overlapping duties. He noted that the proposed position would not have operational control or supervision over the academy staff. Rather, the Commander over the academy would fill that function. Mr. Wisbey added that the Curriculum Developer position is a staff position with lower qualifications. Director Hudson noted that the written documentation for the positions indicated a good deal of overlapping duties. She added that staff was not given the opportunity to investigate their concerns more fully. Assistant Superintendent Landry indicated that staff would be able to interview the incumbents in the existing positions to more fully address their questions.

Vice-Chairperson McClain asked for more information regarding the differences in opinions concerning the proposed salary. Mr. Hagmann stated that staff's research and the original request from NOPD supported staff's proposed salary level. Mr. Wisbey replied that he had considered the Provost position at Delgado Community College and that he thought that it would take \$105,000 to attract a candidate with the desired qualifications. Commissioner Tetlow indicated that the Provost position may not be an appropriate one to use in comparison and that Mr. Wisbey may be overestimating the salaries that universities offer. Vice-Chairperson McClain moved approval of the proposed position as described by staff. Commissioner Tetlow seconded that motion and it was approved unanimously.

The discussion then returned to Item #2, a request from the administration to review the Cooperative Endeavor Agreement (CEA) to consolidate the NOFD, NOPD, and EMS 9-1-1 communications services under the Orleans Parish Communications District (OPCD). Addressing this matter for the administration were Deputy Mayor Jerry Sneed, formerly over public safety, now in charge of the City's 9-1-1 consolidation efforts, and Eric Melancon, an Innovation Manager with the Service and Innovation Team. Deputy Mayor Sneed described the current operations of the 9-1-1 center. He noted that OPCD collects a communications tax

and operates the building and the technology that is used. However, the call takers work for NOPD, while dispatchers may work for NOPD, NOFD, or EMS, depending on the emergency response required. He noted that the 9-1-1 center is not meeting national standards and opined that the low pay and high turnover in the NOPD call taker position is a major cause for this shortcoming. Deputy Mayor Sneed stated that consolidation should dramatically reduce emergency response times. He added that this plan would increase promotional opportunities for employees.

Next, Mr. Melancon addressed the Commission, reviewing a handout that he provided. Mr. Melancon averred that this issue had been studied for four years. He stated that the Commission's attorney had informed the administration that there are two factors in the Commission's review:

- first, determine if classified employees are impacted by the consolidation;
- second, if classified employees are impacted, to ensure that the agreement is being entered into for reasons of efficiency and economy, and not for politically-motivated or discriminatory reasons.

Mr. Melancon then acknowledged that the plan will impact those in the classified service. However, he added that the OPCD will be implementing progressive employment protections, including a method to appeal disciplinary actions, involving an opportunity to appeal decisions to a Human Resources Manager, and a final appeal to a subset of OPCD Board of Commissioners.

Mr. Melancon stated that OPCD would offer a position to everyone currently working at the 9-1-1 center. He then described the proposed duties of the staff of the consolidated center. Mr. Melancon added that human resource policies for this operation are currently being written. He stated that the administration is finalizing a Cooperative Endeavor Agreement (CEA) between the City and OPCD. This CEA would, among other things, ensure employees are able to retain their retirement benefits, health care coverage, accumulated leave, and years of service. Mr. Melancon stated that the CEA would need to be approved by the OPCD Board and the City Council. He added that cross-training of employees is set to begin on February 29, 2016.

Mr. Hagmann gave the staff's presentation, raising a number of concerns. First, he shared staff's concern with the lack of a clear definition of "progressive employment protections." Mr. Hagmann then noted that the CEA would transfer employees to OPCD out of the classified service into "at-will" positions, funded by a transfer of money from the City's General Fund. He next explained concerns

regarding the requirement in Civil Service Rule VIII that employees be paid for their leave upon separation of service. Mr. Hagmann noted that the payment of leave would require additional funds to be transferred to OPCD, not foreseen in the current CEA. Additionally, the CEA does not describe the leave pay out upon termination. He continued, noting that the CEA does not state how future leave would be accrued. Mr. Hagmann stated that it was his understanding that, upon being hired by OPCD, NOFD employees would lose their current leave accrual benefit that they receive based on state law. Finally, he noted that the application of the City's domicile policy is unclear in the CEA.

Mr. Hagmann stated that staff's "bottom-line" was that the consolidation proposed could be accomplished through classified job classes, without hiring former employees into "at-will" positions. He stated that the best practices identified could be implemented within the classified service. Commissioner Tetlow asked if this possibility was presented to the administration, and, if so, when. Mr. Hagmann replied that the last correspondence on this matter was with Deputy Mayor Sneed about a year ago and his response was that he was not yet ready to act on staff's proposal. Noting the administration's position that the issue has been a topic of study for four years, Commissioner Tetlow asked if this communication about a year ago was the first involvement of staff. Mr. Hagmann replied that, while the administration had been working on the plan for some time, that Civil Service staff was not part of those earlier discussions.

At this point, Ms. Norton interjected. She stated that a meeting on this topic was held with Civil Service staff August 27, 2013 and that staff proposals for pay plan changes were presented June 3, 2014. Ms. Norton added that the most recent meeting was held with the Commission's attorney in November 2015, after the administration had decided that these services should be provided by an entity outside of city government.

Next, Director Hudson asked that Mr. Hagmann be allowed to finish his presentation. Mr. Hagmann then directed the Commission's attention to the staff's consolidation plan. He stated that the plan would be to meet the goals for greater efficiency outlined in the "Kimball Report" while maintaining advantages associated with a merit system. He added that staff's plan would involve creating a separate city organization for 9-1-1 services. Mr. Hagmann stated that the administration's objections to staff's proposal included the fact that those dispatching fire apparatus would fall under a more generous pay and leave benefit system outlined in state law.

Mr. Hagmann continued with other objections to the proposal. He noted that a majority of the OPCD board is Mayoral appointees (e.g., the heads of Fire, Police, Health, and EMS). Also, Mr. Hagmann stated that most other employees paid by the City's General Fund are classified employees and that the General Fund will provide the funding for the 9-1-1 center under the proposed CEA. Ms. Norton countered that others paid with money from the General Fund by a contract, such as those providing building security, are not considered city employees. Mr. Hagmann further noted that it is unknown what would happen to these employees should they sever employment. He suggested that the Layoff Rule may need to be invoked. Mr. Hagmann concluded with a statement that the proposed CEA would hurt employees, hurt the merit system which the Commission has a duty to protect, and hurt the public.

Vice-Chairperson McClain asked Ms. Robbins about employees' terminal leave and whether the payout of leave could be the employee's choice. She replied, stating that the issue of leave payout was being investigated. Ms. Robbins noted the advantage to the employee of having a sick leave balance on which to draw, if needed. Director Hudson noted that the Civil Service Rule on terminal leave was clear – the employee must be paid when they sever service. Vice-Chairperson McClain replied that his question was directed to those proposing the CEA, because they would be in a better position to answer as to whether former employees must be paid terminal leave. Ms. Robbins suggested that there may be precedence for former employees transferring their leave balance when starting to work for another entity and that the Commission's Executive Counsel was researching this issue. Director Hudson later noted that, if the transfer of leave balances was allowed upon separation from the classified service, it was done in error and contrary to the Rules.

Ms. Robbins then discussed a Louisiana Supreme Court Case (the SMG case) that she feels is on-point with this issue. This case, from 2002, grew out of the City's privatizing of the Municipal Auditorium and Mahalia Jackson Theater for the Performing Arts. Ms. Robbins noted that the Commission sued the City because the contract had not been vetted by the Commission prior to its implementation. She related that the Supreme Court had ruled against the Commission. She then went over the two-step process outlined in this case, which Mr. Melancon outlined at the beginning of his presentation. Ms. Robbins next noted that some of the staff's concerns were based on the section of Rule III dealing with privatization and that, in this case, the Louisiana Supreme Court had found this section of the Rules to be unconstitutional.

Vice-Chairperson McClain asked administration representatives if they have had a chance to review staff's proposal for consolidation within the classified service. Deputy Mayor Sneed said that he had not yet reviewed the latest proposal. Mr. Melancon stated that he had looked over staff's proposal and found it lacking in the pay proposals presented. Director Hudson responded, offering to work with the administration on any pay issues, if they would seriously consider allowing these employees to remain in the classified service.

A number of interested parties commented on this item. The first commenter was the President of the New Orleans Firefighters Association (Local #632), Nicholas Felton. Mr. Felton stated that the most important consideration for this matter is the Civil Service protections of affected employees. He added that there is a plethora of issues involved and legal cases which may be on-point. While Mr. Felton noted the union's support of efficiency in 9-1-1 operations, he added that the driving factor for this proposed CEA is monetary, leading him to opine that the budget should not be balanced on the backs of hard-working union members. Mr. Felton stated that OPCD new hires would not benefit from the supplemental pay and leave benefits received by current employees. Mr. Felton continued, explaining that NOFD Dispatchers are trained and experienced to the point that they can anticipate the needs of Fire Captains at a fire scene.

The next commenter was Mr. Hessler of PANO. He noted that PANO represents approximately 24 of the classified employees who would be affected by the proposed CEA. Mr. Hessler stated that these employees' major concern is the loss of Civil Service protection. He related that he had listened to the proceeding and to the kind words many had for the work of those in the 9-1-1 center, but he had not heard a reason why these employees would not be deserving of Civil Service protection. Mr. Hessler told the Commissioners that their most important function was to protect employees against political patronage, adding that the administration is "anti-Civil Service." Mr. Hessler opined that the purpose for this privatization was to get Civil Service out of the way; otherwise, the consolidation could take place under the current system. Like Mr. Felton, Mr. Hessler stated that he supported more efficiency in the 9-1-1 center, but added that eliminating Civil Service protection does not add efficiency.

Following Mr. Hessler, Mr. Schlesinger, representing FOP, spoke. He noted that they have been given assurances by Deputy Mayor Sneed, but that those assurances may be of limited value once the administration leaves office. Mr. Schlesinger added that he also saw no reason that the consolidation could not happen within Civil Service. He stated that he liked Ms. Hudson's offer to the

administration to work with them on pay issues. Mr. Schlesinger noted that there has been a tremendous erosion of Civil Service protections recently. He cited the Commander position and the "Great Place to Work Initiative" which is under litigation for its effects on constitutional protections. This proposed privatization of the 9-1-1 function was Mr. Schlesinger's most recent example of the erosion of Civil Service protections.

Captain Simon Hargrove had requested to comment on this matter, but had to leave. Instead, he had written his comments down and requested that Director Hudson deliver them. In these comments, Captain Hargrove stated that the Black Organization of Police could not support the proposed CEA.

Ms. Robbins asked to address the concerns voiced by many speakers regarding the advantages of retaining this function in the classified service. She returned attention to the Louisiana Supreme Court case cited earlier and stated that the court had ruled in that case that the Commission did not have the right to consider whether a function could be carried out as effectively by classified employees. Rather, this case requires only that classified employees not be removed from their jobs by a privatization for reasons of discrimination or political favoritism. Vice-Chairperson McClain noted that some speakers seem to be making a charge that these reasons are a consideration. He continued, stating that he would like to hear a response to the commenters who have asked why the function must leave the classified service to realize advantages brought by consolidation.

Mr. Melancon responded first. He stated that the goal was to provide the employees with a better career path, better pay, better schedules, and a better work environment. Mr. Melancon continued stating that having this function under OPCD would allow for better focus on answering emergency calls and meeting national standards. Vice-Chairperson McClain asked if the classified status of the employees prevented the 9-1-1 center from reaching these standards. Mr. Melancon replied that this was not the case, but that, under OPCD, employee recruitment and retention could be better facilitated.

Deputy Mayor Sneed then added that the responsibility for answering calls in a timely manner could not be assigned to a single department under the current arrangement. Director Hudson responded noting that in Mr. Hagmann's presentation he suggested that a single agency could be created in the current system and then be held accountable for the 9-1-1 center operations. Mr. Melancon asked if Director Hudson was proposing a charter change. She replied that such a step would not be necessary, noting that Mr. Melancon was in an

agency (the Department of Service and Innovation) that was created by the process suggested. Director Hudson suggested that all that was needed was for the administration to agree to work with staff on such a proposal. Mr. Melancon replied that the administration had been working with staff since the August 2013 date that Ms. Norton cited. Director Hudson pointed out that many of staff's requests for information went unanswered and that staff could not be blamed for all delays on this project.

Vice-Chairperson McClain recognized Ms. Norton, who stated that the administration had been trying to work with staff for 2 ½ years. He then asked her if the information presented today by staff was helpful. Ms. Norton replied that it was only two weeks ago that staff had agreed that consolidation was a possibility – a claim that was denied by Mr. Hagmann. At this point, Ms. Norton offered to move past the timeline issue, adding that she felt that the OPCD option currently before the Commission was the best available.

Next, Mr. Hessler spoke. He noted that Mr. Melancon's response to the inquiry regarding retaining the performance of this function by classified employees focused on the recruitment of employees. Yet, he pointed out, the current employees, who all agree are doing a good job, were recruited as classified employees.

Mr. Terry Hampton, a representative of the fire union (Local #632) spoke next. He stated that he had been meeting with administration representatives on this issue for four months. Mr. Hampton noted that these representatives have claimed that employees would remain whole in the move to OPCD employment, a claim he characterized as untrue. Mr. Hampton pointed out that the NOFD Dispatchers would not be getting state supplemental pay, the state-mandated longevity pay, or the millage allotment that they currently receive – a difference that he estimated to be valued at about \$10,000. He noted that the longevity pay was the subject of a 30-year lawsuit and that this hard-won benefit was in jeopardy. Mr. Hampton continued, stating that, in meetings with the administration, there were assurances that employees would receive the same sort of protections as offered by Civil Service. He then pointed out that this extra effort would not be needed if employees simply remained in Civil Service. Mr. Hampton added that new employees would receive less pay that is offered now and noted that this is unfair, especially given the additional special rates of pay that the Commission authorized in this meeting.

Mr. Melancon addressed Mr. Hampton's concerns. He stated that NOFD Dispatchers who now receive millage pay, would be able to be trained to dispatch another type of call (e.g., EMS calls) and, thus, could be promoted to the Telecommunicator 2 level. Regarding those receiving state supplemental pay, Mr. Melancon reported that the City Attorney is working with the staff attorney at the State Supplemental Pay Board of Review to try to ensure that these employees are able to keep this pay provided by the state. He added that, should this not be available, they would slot these employees into Tele-communicator 3 positions and provide them time to be trained to dispatch all three types of emergency calls (Police, Fire and EMS).

Commissioner Tetlow then addressed the speakers. She stated that the Commission's review of this matter is limited to determining whether the proposed move is being made for reasons of efficiency and economy and not for reasons of discrimination or favoritism. Therefore, the issue of whether the same results could be achieved while employees remain in the classified service, while interesting, is moot. Commissioner Tetlow then asked if these discussions could better be held at a time other than at the Commission's monthly meeting. Director Hudson replied that there have been earlier discussions of many of these points, but none of those points have been raised publicly.

Vice-Chairperson McClain agreed that a public hearing of these issues would be beneficial. He noted that there would not be a vote at this meeting, but expressed his hope that all sides would listen and learn more of the points being put forth. Mr. Felton reiterated that the union would like improved efficiency, but would also like to see these employees remain classified. He noted that other legal cases, such as one in Baton Rouge, may be apropos, which would mean that the analysis given by Ms. Robbins may not be the only one that the Commission should take into consideration. Director Hudson then stated that this issue would be back before the Commission at its January 11, 2016 meeting for final consideration.

Having dealt with Item #3 earlier, the next issue was Item #4, an update on the status of a complaint regarding Firefighters working out of their classification. Director Hudson informed the Commission that the administration and union have reached an agreement on this matter and that staff had reviewed it and recommended approval. Commissioner Tetlow moved for approval. Vice-Chairperson McClain seconded that motion and it was approved unanimously.

Item #5 was a request from the Firefighter's Association to consider pay increases based on a Firefighter salary survey and information from the administration on a

Firefighter pay study. Mr. Hagmann provided a summary of staff's findings. He noted that Firefighters have not received an increase in pay since 2008. Mr. Hagmann indicated that his analysis shows that New Orleans Firefighter pay is competitive within Louisiana, but not nationally. He added that the recruitment concerns for Firefighters are not as dire as for Police Officers. Mr. Hagmann lastly noted that it is staff's opinion that Firefighters be included in the larger, service-wide pay study that is being contemplated. Commissioner Tetlow noted her agreement. Director Hudson explained that a Request for Proposal (RFP) is being drafted for this pay study.

Mr. Felton explained the union's stance. He noted that they waited while analysis of police pay was completed and police received raises. Then, the union conducted a pay analysis based on the same cities used to support the police pay increases. Mr. Felton stated that, having waited their turn, the union membership feels that it is now proper that fire pay be addressed and not be made to wait for a study of the pay of all City employees. Chairperson Craig asked Mr. Felton what he would like to see happen. He replied that he would like to have the Commission approve pay increases based on the pay information before them and then, he would take that to the City Council to see if it could be funded. Commissioner Tetlow opined that the police pay increases began with the ability for them to be funded, followed by Commission action. Mr. Felton then pointed out that it is the Commission's responsibility to recommend and approve appropriate pay, and the Council responsibility to budget appropriately. Chairperson Craig and Commissioner Tetlow suggested that the city-wide pay plan study would happen more quickly than separate action for only Firefighters. Director Hudson noted that a draft RFP has been submitted to the administration. She also noted that the draft RFP would likely be submitted to Commission at its next meeting.

Item #6 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 stated that staff was waiting to receive information from the union on this matter. She allowed that the 9-1-1 matter and the previous item had taken up a great deal of time, but asked when the information would be received. Mr. Felton stated that information could be presented in writing within one week.

Item #7 on the agenda was Classification and Compensation matters. Item #7 (a) was the status of a comprehensive salary and wage study of the classified and unclassified pay plans. Director Hudson stated that there was not much more to report that was not discussed with Item #5. Chairperson Craig noted that it was her

understanding that the pay study would only cover classified employees and not unclassified employees. Director Hudson noted that staff had asked that the unclassified positions be included because of the ties and relationships between classes in the Classified Pay Plan and in the Unclassified Pay Plan. Vice-Chairperson McClain expressed concern that including the unclassified positions would delay the results of the study. Director Hudson stated that, since all surveys could be distributed at once, it was her opinion that it would not delay the study. She added that the Commission has a clear responsibility to allocate unclassified positions and should, therefore, have a vested interest in the Unclassified Pay Plan. Mr. Hagmann informed the Commission that best practice in compensation would be to study reporting relationships and the internal equity of the pay structure for all employees. Director Hudson asked if it would be acceptable for her to discuss this with the administration. Chairperson Craig and Commissioner Tetlow indicated that it was, and perhaps some unclassified positions could be included, but reiterated their concern with delays in completion of the study. Vice-Chairperson McClain indicated his concern that the matter on the agenda was not what he remembered voting on at the last meeting. Director Hudson replied that it was always her intention to keep the Commission informed of developments with this item. Vice-Chairperson McClain asked if the unclassified positions have Civil Service protections. Director Hudson replied that they do not.

Item #7 (b) was a request from the administration for an exception to Rule IV, Section 9.7(a) for 2015 overtime compensation. Mr. Hagmann reported that the Rules require Commission approval if excessive overtime will be worked. He stated that the general explanation from departments was that overtime was needed because of unusual assignments and projects undertaken in 2015. A handout was provided with additional information. Mr. Hagmann noted that this review of overtime helps staff in determining if the principles of a uniform pay plan are being violated and in identifying pay compression issues. While the staff has not completed their review, Mr. Hagmann indicated that there was no objection to the Commission's approval of this request. Commissioner Tetlow moved approval of the request. This motion was seconded by Vice-Chairperson McClain and approved unanimously.

Item #7 (c) was a similar request from the Sewerage and Water Board (S&WB) for an exception to Rule IV, Section 9.7(a) for 2015 overtime compensation. Mr. Hagmann noted that the Office of the Inspector General (OIG) issued a report on overtime usage at the S&WB. The OIG recommended that: 1. the S&WB request a waiver of this Section of the Rules; 2. they implement better controls of overtime; and 3. because the S&WB paid "stand-by pay" of about \$1.5 million not

in keeping with Civil Service Rules, this practice be discontinued. Mr. Hagmann noted that there is a rational explanation of the overuse of overtime, but that this was a violation of Civil Service Rules. He noted staff's support of this request. Commissioner Tetlow moved approval of the request. This motion was seconded by Vice-Chairperson McClain and approved unanimously.

Director Hudson noted that the Sewerage and Water Board had requested that the Commission next address Item #7 (f). This item was a request from Attorney Morris Reed, Jr. to appeal the results of a job study for Ms. Linda Paisant. Mr. Hagmann addressed the issue. Ms. Paisant was also present. Mr. Hagmann noted that, based on additional research, staff was recommending a 10% temporary pay increase to be paid retroactively. All parties were in agreement with this recommendation. Commissioner Tetlow moved approval of the request. This motion was seconded by Vice-Chairperson McClain and approved unanimously.

The Commission then returned to agenda Item #7 (d), a request from the Police Association of New Orleans (PANO) on behalf of Ms. Courtney Hebert for a retroactive appointment and back pay for serving as a Criminalist II. Attorney Eric Hessler represented Ms. Hebert. Ms. Robbins represented NOPD. Ms. Robbins reminded the Commission that this matter was before them at their regular November meeting. At that meeting, Ms. Hebert indicated that she had spoken to Assistant Chief Administrative Officer Courtney Bagneris, who supported her request. Ms. Robbins stated that she had spoken with Ms. Bagneris. At that meeting, Ms. Robbins discovered that additional documentation from the NOPD Public Integrity Bureau (PIB) was needed. Ms. Robbins stated that Ms. Bagneris agreed with her assessment that the Commission does not have jurisdiction over this matter because Ms. Hebert had originally filed a grievance with the Chief Administrative Office (CAO) in 2012, rather than bring this matter before the Commission. Mr. Hessler noted that he had also spoken to Ms. Bagneris earlier.

There was some discussion of the merits of this request. Ms. Robbins indicated that she believes that the Commission has no jurisdiction to review the denial of a promotion. That is, no employee has a right to a promotion. She added that this request was not timely made and that this claim was prescribed because the action occurred more than three years ago. However, all parties appeared to be willing to first pursue this issue as a CAO grievance. Commissioner Tetlow asked if there was anything before the Commission. Mr. Hessler stated that he would withdraw this request at this time.

Item #7 (e) was a request from PANO on behalf of Ms. Elizabeth Hintz for a retroactive promotion and back pay for Office Assistant IV. Ms. Robbins indicated that she believes that, as with the prior item, the Commission has no jurisdiction to review the denial of a promotion and that this request was not timely made because the action occurred more than three years ago. Ms. Robbins noted that Ms. Hintz was complaining about a promotion that she felt she was denied in 2011. Ms. Robbins noted that there was no CAO grievance filed in this case. Mr. Hessler responded that, in his opinion, the Commission could grant back pay, regardless of the state law cited by Ms. Robbins. Commissioner Tetlow moved that this request be denied. Vice-Chairperson McClain seconded that motion and it was passed unanimously.

Having addressed Item #7 (f) earlier, next on the agenda was Item #7 (g), a request from Ms. Linda Copeland for retroactive pay for the position of Management Services Administrator in the Department of Public Works (DPW). Mr. Hagmann noted that staff has recently granted the Management Services Administrator allocation to this department, which Ms. Copeland now fills, but it was opposed to this request for retroactive pay. He stated that a major component of this position, dealing with the capital budget, is now done by an unclassified employee. Ms. Copeland addressed the Commission, discussing her role in the DPW at length.

Director Hudson noted that staff, in January 2015, reviewed this position and recommended a higher class, Management Development Supervisor II. Ms. Copeland received this promotion. Then, Director Hudson noted that staff recently received additional documentation from, and met with, Col. Mark Jernigan, the Director of the Department of Public Works, and recommended an additional promotion. From this recommendation, Ms. Copeland was promoted to her current position, Management Services Administrator, in December 2015. Mr. Hagmann added that he wished that there were a *deus ex machina* that would allow Ms. Copeland to receive additional pay, but that there was not.

Commissioner Tetlow noted that staff agrees that this job class is appropriate for the duties being performed now, and asked what supported their decision that it was not appropriate earlier. Mr. Hagmann indicated that the job was recently enlarged by Col. Jernigan, which led to the allocation granted on December 1, 2015. Ms. Norton noted that the administration supported this request. After additional discussion, Commissioner Tetlow moved that this request be denied. Vice-Chairperson McClain seconded that motion and it was passed unanimously.

Item #7 (h) was a request from Mr. Carlos Metoyer for retroactive pay for the position of Airport Services Manager for the Aviation Board. Mr. Hagmann noted that in May 2003 the airport consolidated two Airport Services Manager positions into one. Then, in January 2009, the Airport Director requested a 10% temporary pay increase because of the increased workload created by the consolidation of these two positions. In March 2009, staff responded to this request. Because the practice was to limit the use of a temporary increase to compensation for work done at a higher level, this request was denied. Mr. Hagmann noted that, because of Hurricane Katrina, it was common throughout the classified service for employees to take on the work formerly done by multiple employees. In October 2009 staff sent correspondence to the airport to follow up on this matter. Mr. Hagmann stated that, from this point, the onus was on the airport to show that these duties were of a higher level and not just more voluminous. He described this as a sad situation.

Mr. Metoyer next addressed the Commission. He stated that, when the two positions were consolidated, he was told by the Airport Director at the time, Mr. Sean Hunter, that replacements for each of those two positions would be hired and Mr. Metoyer would then be placed in charge of those two new hires. Those new hires were never made. Also speaking on this matter was Ms. Rene Brunt, the human resources officer for the airport. Ms. Brunt stated that the airport would like to do what is fair and equitable for their employee.

Mr. Hagmann noted that staff has agreed to allow for additional pay if the airport would commit that the work performed was at a higher level and not just additional work at the same level. Vice-Chairperson McClain asked Ms. Brunt if she understood that offer from staff. She indicated that she did, but that it was her understanding that the airport would have to agree that the work done was at the level of Deputy Director. Mr. Hagmann indicated that staff feels that their hands are tied and there is little more that can be done. He continued noting that hiring above the minimum situations at the airport has created additional inequities. Vice-Chairperson McClain asked Mr. Hagmann if the airport could be presented with a path forward to better compensate Mr. Metoyer. He replied that if there were a special project that could be identified, additional pay could be considered by staff. Ms. Brunt agreed to look into this option. Commissioner Tetlow then suggested that the item be delayed and reconsidered next month.

Item #8 on the agenda was Recruitment and Selection Matters. Item #8 (a)

was examination announcements. Announcements 9251 through 9263 were presented to the Commission. Commissioner Tetlow's motion for approval was seconded by Vice-Chairperson McClain and approved unanimously.

Item #9 on the agenda was the Ratification of Public Integrity Bureau (PIB) 60 Day Extension Requests. By this point in the meeting, all who were in attendance were Civil Service staff members. Thus, there were no speakers requesting to comment on this agenda item. Commissioner Tetlow moved that all of the recommendations of the hearing officer for 60-day extensions be approved. This motion was seconded by Vice-Chairperson McClain and approved unanimously.

Item #10 on the agenda was Communications. Item #10 (a) was a report on ADP ongoing issues. Director Hudson informed the Commission that, given the lateness of the hour, staff would defer comments on ADP. Item #10 (b) was a report on Civil Service staffing issues. Director Hudson informed the Commission that staff has hired an analyst to implement the "walk-in" testing program, which allows Police Recruit candidates to be tested every work day. However, she has not received an assurance that this position will continue to be funded in 2016. This had been mentioned at the November meeting and Ms. Norton had indicated that she would look into the matter. Director Hudson suggested that a written request for this position would be the next appropriate step. Vice-Chairperson McClain requested that the Commissioners be copied on this written request.

Next, Director Hudson noted the need for two audit positions that have been requested. She mentioned the requests regarding the Overtime Rule that were discussed earlier in the meeting as issues that the audit positions may be assigned. Director Hudson also stated that she has requested an additional Personnel Administrator to assist with the transition with the impending retirement of Rick Carter. Vice-Chairperson McClain asked about reassignment of the additional duties that would be needed with the imminent parental leave that Assistant Personnel Director Amy Trepagnier would soon be taking. Director Hudson stated that those duties would be reassigned to a number of others, including herself and Ms. Shelly Stolp, Personnel Administrator, for Recruitment Division duties.

She then returned to her justification for additional positions in the Classification and Compensation Division (the audit positions). Director Hudson noted that these positions could help Mr. Hagmann in completing other tasks so that attention could be given to the NOPD detective position job study, the comprehensive salary study, and a recent request from the administration for a "work-flow solution". Vice-Chairperson McClain stated that the Commission would like to know the

number and level of additional staff members needed to address all of the issues that were raised. Director Hudson replied that she has informed the Chairperson of budget hearings and requests made by the department. Commissioner Tetlow urged Director Hudson to provide Commissioners with talking points so that they could advocate on behalf of staff's request for additional personnel.

With no other communications to consider, on motion of Vice-Chairperson McClain and seconded by Chairperson Craig, the Commission voted unanimously to adjourn the meeting at 3:39 p.m.


Michelle D. Craig, Chairperson
Ronald P. McClain, Vice-Chairperson
Tania Tetlow, Commissioner