

CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
Monday, December 17, 2018

The regular monthly meeting of the City Civil Service Commission was held on Monday, December 17, 2018 at 1340 Poydras Street, Suite 900. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Chairperson Michelle Craig, Vice Chairperson Ronald McClain, Commissioner Clifton Moore, Jr., Commissioner Stephen Caputo and Commissioner Brittney Richardson. Chairperson Craig convened the meeting at 10:16 a.m. At 11:12 a.m. on motion of Commissioner McClain and the second of Commissioner Moore, the Commission voted unanimously to go into executive session.

At 11:50 a.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

Item #1 was the minutes from the November 19, 2018 meeting. Commissioner Moore moved to approve the minutes. Commissioner Caputo 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, Executive Counsel for the Commission, reported that metrics relative to the measurement of the effectiveness of delegation are still being developed. He noted that S&WB was in the process of implementing a new payroll system and that in order to fulfill its mission staff needs access to that payroll system. Mubashir Maqbool, a S&WB employee, urged the Commission to withdraw delegation based on S&WB's abuse of power. He gave the example of an employee who was hired as a Planner Scheduler because his wife worked with Katie Dignon. Mr. Maqbool stated that the person had never produced a single schedule. Mr. Maqbool stated that Bruce Adams is abusing his power by hiring his cronies from AECOM and URS at an exorbitant rate. He further stated that a couple of guys got fired from the PDU at the city and S&WB picked them up at a high rate of pay. He stated that the current Human Resources Manager who was hired by the previous Deputy Director, Sharon Judkins, is doing the same thing. Commissioner McClain asked Mr. Maqbool if the examples he provided were as a result of delegation. Mr. Maqbool responded that there is no check or cross check. You give someone a blank check and they are abusing the power. Personnel Director Lisa Hudson

clarified that the positions referenced by Mr. Maqbool are unclassified positions and as such are not under the delegated authority. Mr. Maqbool then stated his concern regarding the pay of unclassified employees at S&WB. Mr. Greene noted that the pay issue is not a part of the current agenda item.

Item #3 was the consideration of a resolution to ask the Louisiana Attorney General for an opinion relative to the consolidation of the 311 Non-emergency Call Center with the Orleans Parish Communications District 911 Emergency Call Center. Commissioner Craig noted that the Commission had decided to make the request for an opinion at their last meeting, but that the Attorney General had asked for a resolution from the Commission in order to proceed with issuing an opinion. Commissioner Craig motioned to authorize the Personnel Director to seek an opinion from the Attorney General relative to the consolidation of the 311 Non-emergency Call Center with the Orleans Parish Communications District 911. The motion was seconded by Commissioner Moore and approved unanimously.

Item #4 (a) under Classification and Compensation Matters was a request from the Police Department for an exception to the Injured on Duty Rule to allow the approval of Injured on Duty Requests over the 30 day threshold. Robert Hagmann, Personnel Administrator over the Classification and Compensation Division, explained that in order to qualify for Injured on Duty benefits, First Report of Injury Reports must be received by Civil Service within 30 days of the incident. In this case, five reports were late due to a new employee in the Employee Relations Division of NOPD who did not forward the reports on time. He noted that a Senior Police Officer was also unfamiliar with the 30 day requirement which resulted in one of the reports being late. Mr. Hagmann stated that staff was in support of NOPD's request for an exception to the Rule. Commissioner McClain motioned to approve the request. Commissioner Moore seconded the motion and it was approved by all Commissioners.

Item #4(b) was a request from Ashlei Morrison to retroactively apply Rule IV, Section 2.7 (d) relative to Extraordinary Qualifications pay for her position as the NORDC Public Outreach and Communications Coordinator. Mr. Hagmann stated that Ms. Morrison is requesting a retroactive pay adjustment to May 1, 2017 because employees in the lower level related job classification of Marketing Development Coordinator were able to be hired above the minimum. This is an equity issue where people in a lower level

class are making 17.5% more than she is. Mr. Hagmann stated that at the last meeting, staff noted that the request did not meet the requirements of the Rule because the Rule requires that the person be in the same job classification in order to take advantage of the emolument. Ms. Morrison is not in the same job, she is actually at a higher level. Mr. Hagmann noted that the request of \$70,000 is not the same rate that was awarded to the Marketing Development Coordinator. The Rule states that the rate must be the same as the rate that was given to the person hired above the minimum. That rate was \$65,000. Mr. Hagmann further noted that much of Ms. Morrison's experience is non-professional so she would therefore not have as much professional experience as the Marketing Development Coordinator did. He stated that the danger is that a floodgate of uniformity issues may result. He said that the issue is that a higher level job will be paid less than a lower level job. Ms. Morrison asked that the Rule be reevaluated to examine the discrepancies that land an employee like her in this situation, for example that the Rule would never apply to her because she is the only city employee in this job classification. Ms. Morrison stated there is inequity in the rule and asked that the Commission seek ways to remove that inequity. Commissioner McClain agreed that the Commission should do so. In regard to the specific request, he recommended denial due to the differences until they Commission can see what can be done in coming up with a rule that is consistent across the entire city workforce. Commissioner Craig seconded the motion. Commissioner Caputo then asked for clarification on if the request was for an increase from \$55,000 to \$70,000. Ms. Morrison responded that the request was for an equity adjustment up to the 25% that had been awarded, but that she was just looking for an equity adjustment rather than the 25%. Commissioner Richardson asked if the rule is changed would this prevent Ms. Morrison from coming back with a new request. Mr. Greene stated that it would depending on how the Rule was revised. He recommended that any rule change address retroactivity so that there is not a flood of requests. The motion to deny the request was then approved unanimously.

Item #4(c) was a request from Personnel Administrators Doddie Smith and Shelly Stolp to retroactively apply Rule IV, Section 2.7(d) for Extraordinary Qualifications pay relative to the position of Police Human Resource Administrator. Mr. Hagmann stated that the employees were requesting a pay increase retroactive to July 9, 2016 because an employee in the closely related classification of Police Human Resource Administrator was hired at 25% above the minimum which exceeded their pay by 22.5%. These

employees exceeded the qualifications of the individual who was appointed to the Police classification. This has created issues of inequity and non-uniformity in the pay plan. Staff's concerns are similar to those in the case of Ms. Morrison. While the KSAs of these positions are similar, they are not in the same job classification, so the "me too" clause is not triggered. Mr. Hagmann noted that there was a case (Babin vs the City of New Orleans) that found that you had to maintain equity when these changes were made. He noted that in this case the base pay would increase from \$65,000 to \$81,000. Mr. Hagmann stated that another issue is that the pay requested would place the position above that of the Deputy Personnel Director which, as a third level supervisor has a lot more responsibility. While that person has less experience, the level of experience could substitute for the sheer number of years. Just as in Ms. Morrison's case, the approval of equity adjustments such as this would open a floodgate of claims particularly in classes at the same level. Commissioner McClain asked Mr. Hagmann if staff had a recommendation. Mr. Hagmann responded that staff is trying to objectify the hiring above the minimum rule. The problem is that the Rule does not address people who are currently on board. He noted that part of the problem could be rectified if there were regular pay increases. Director Hudson noted that Mr. Hagmann could be personally impacted by this request. She noted that this was awkward for her as well. Commissioner McClain asked for the department's position on approval of the request. Director Hudson responded that she would prefer if the employees presented their position first. Ms. Doddie Smith, Personnel Administrator over the Management Services and Employee Relations Divisions, stated that she and Shelly Stolp, Personnel Administrator over the Recruitment and Selection Division, were making a request to adjust their base salaries to that of the person who was hired as a Police Human Resources Administrator in July of 2016. The request is being made in accordance with Rule IV Section 2.7 (d). NOPD hired a person at 25% above the minimum in July of 2016 based on his possession of over 20 years of human resources experience. Ms. Smith stated that at that time, she possessed 28 years and six months of human resources experience with the city; sixteen of those years in her current class of Personnel Administrator. She noted that she had worked in several divisions of the Civil Service Department. The minimum qualifications for Police Human Resources Administrator and Personnel Administrator were very similar. Personnel Administrator had always been open promotionally. To get to that point, one would have needed between six and nine years of experience. Ms. Smith stated that Police Human Resources Administrator required a Bachelor's Degree and six year of

experience with one year of supervisory experience. Personnel Administrator would have required a Bachelor's Degree and between six and nine years of experience depending on whether or not they had supervisory experience. Ours required three years of supervisory experience. The duties of the positions are essentially the same; they are at the same level and the same pay grade. Personnel Administrators work with both NOPD and all other city agencies providing guidance on the systems we use and approving transactions. The only difference is the job title. The Civil Service Rules define a class as a definitely recognized kind of employment in the classified service designed to embrace positions that are so nearly alike in the essential character of their duties, responsibilities and consequent qualification requirements that they can fairly and equitably be treated alike under like conditions for all personnel purposes. Ms. Smith stated that given that, she would say that they are the same class. Ms. Stolp then stated that in 2016 she had twenty years of experience and a Master's Degree which would equate to twenty two years of experience, most of it gained with the city. She stated that there was no need to create the class of Police Human Resources Administrator. They could have used Personnel Administrator and allocated that same classification to NOPD. Historically, the allocation has been a grade less to recognize that Civil Service guides Human Resources Managers. When they created the Police position they broke equity. Commissioner McClain asked if the positions do the same thing. Ms. Stolp responded that she, Ms. Smith and Mr. Hagmann have to train all of the Human Resources Managers on how to apply the Rules and work within the system. She noted that she receives questions regarding other areas of Civil Service due to her having worked in multiple Civil Service divisions. Commissioner McClain asked if employees who have worked in city government for ten or fifteen years should be allowed to ask for retroactive extraordinary pay. Ms. Stolp responded that she is asking that the "me too" Rule be applied like it is supposed to be. It says that people who are hired with the equivalent shall get the same rate of pay on the same day. She noted that she is asking the Commission to enforce its Rule. Commissioner McClain stated that he recognized the need for a rule change and that perhaps the Commission had ruled different ways. He then asked if extraordinary qualifications gained before hire as opposed to on the job are comparable. Ms. Stolp responded that hers would be more and that the majority of hiring above the minimums are at 25% above the minimum. The justifications for many of them are because they have knowledge of the Civil Service Department and its rules or processes. My qualifications are more unique to do the work I am doing than someone from the outside.

What you are implying is that my skills that I attained through working at the city should not be paid. Commissioner McClain responded that he was not saying that. He thinks they should be paid, but that the normal mechanism is through promotions and merit increases. Ms. Stolp stated that the rule allows people to leave and come back after three months and use the same qualifications. Commissioner McClain responded that then you would be a new hire. Commissioner McClain then estimated that there would be 80-90% of city employees who could request the same thing. Commissioner Moore stated that it is problematic to pay someone who just came on more for their experience than a loyal employee who has more experience. Ms. Stolp stated that you are penalizing her for working for the city for twenty years. Commissioner Craig then asked Mr. Hagmann if he shared the opinion that the position is in the same classification. Mr. Hagmann responded that the Police position was formerly a Personnel Division Chief and with the growth of the personnel function of the Police Department it was upgraded to create a new job classification. There is an equivalent level of knowledge, skills and abilities required, but the essential function of the job is different. The position at Police manages different human resources functions. We are a centralized department performing a centralized role in all of city government. It is a different job classification with a different essential function, however as with Babin verses the City of New Orleans, there can be enough of an equivalency that they have to be treated the same. The Commission has broad authority to interpret its rules. If you solve this problem you create more. He noted that he is in a difficult position because he is also a Personnel Administrator. Commissioner Moore asked if the two positions had different class numbers and asked to see a side by side. Ms. Smith pointed Commissioner Moore to a chart she had submitted as well as the definition of class in the Rules. She stated that the titles are the only thing that is different. Director Hudson stated that the jobs were absolutely comparable and that the jobs in Civil Service may be even more responsible because of their service-wide impact and the Police Department's position is only relative to the Police Department. Commissioner McClain asked Director Hudson if she was recommending approval. Ms. Hudson stated that the rule does not allow her to make exceptions. Based on the Rule alone she would have to say that they are not in the same job classification. That would be up for the Commission to make an exception. She stated that she cannot recommend approval based on the way the rule is right now. The rule does not address comparability. She stated that she does think that the employees have a very important argument here that the rule does not address. She pointed out that this request is retroactive so it creates some

internal equity issues in that the Personnel Administrators would be making more than the Deputy Director who directly supervised them during that time. Ms. Stolp stated that if you don't do it retroactively, it does not. You just approved the denial of something that allowed that. In most of our pay plan there is only 5% guaranteed for promotion. If you are going to bring in equity there are a lot of people out there who need to be told because the majority of the hiring above the minimums are at 25%. If that is the case the inequity is with the pay plan itself and the grades. You have a rule that allowed for inequities, in fact, you knew it would create inequities when you approved it because it was not about grades. Director Hudson referred the Commission to a breakdown in their packets. Ms. Smith stated that every time one of these hiring above the minimums is approved it creates compression. Director Hudson agreed. Ms. Smith stated that in their case they are not going beyond the Deputy Personnel Director moving forward, they would still be 7.5% behind. When people receive a promotion they are only guaranteed 5%, so it is still beyond that. Ms. Smith says that when these have been approved in the past, compression is not looked at. Commissioner McClain asked if they are saying that when they were approved in the past it resulted in an employee getting more pay than their supervisor. Ms. Smith responded possibly. Ms. Stolp responded yes. Director Hudson stated that she cannot speak to how it impacted other departments, but that she can speak to how it impacts her department. Mr. Hagmann stated that the problem with this Rule is that there are some appointing authorities that do not care about the reporting relationships; we do. Director Hudson stated she wanted to bring to the Commission's attention that we did not budget for increases of this magnitude, so it would impact our department. Director Hudson stated that there is a very clear comparability between these job classifications that she does not believe we have faced before. Commissioner Craig stated that this rule has created situations for a while and we have decided that we need to do something about it months ago. Commissioner Moore stated that we can do something about the rule and address what is before us now. We have similar, if not identical, classification responsibilities. We are penalizing employees because they have been here. Commissioner McClain stated that one of the criteria he has used in the past is the position of the appointing authority. Ms. Smith pointed out that in this case it is different because their appointing authority is the same person who normally gives the Commission a different perspective. Director Hudson noted that she has to wear two hats. As their supervisor she whole heartedly supports these employees and what they are trying to do. Doddie, Shelly, Robert and Amy are some of the hardest

working people in city government. They are essential to the operations of this department and they continually go beyond the call of duty. Commissioner Moore noted that as the Personnel Director, Ms. Hudson is offering a pure interpretation of the rules as she sees it. Director Hudson agreed. Commissioner Moore stated that other appointing authorities may not have been as conscientious as Director Hudson in looking at the Rule. The interpretation of the Rules is the Commission's role. The Commission can decide that these are essentially the same and make a decision based on that. Ms. Stolp added that had she transferred into the Police job, the rule would not have allowed her to receive hiring above the minimum, so it is a slap in the face to her 20 years of service. The Rule is indirectly saying that your service to the city means nothing. Commissioner Caputo stated that we all agree that some changes need to be made to the rule. There was then some additional discussion regarding the definition of a class. Director Hudson indicated that they were not the same job classification. Commissioner Moore made a motion to defer the matter. Commissioner McClain seconded the motion.

Mubashir Maqbool then spoke on the matter. He stated that the state law should trump this rule. The semantics should not penalize anyone from getting the retroactive pay. Article X requires equal pay for equal work. Deferment will not resolve anything.

Commissioner McClain stated that this staff does extraordinary work and works really hard oftentimes being asked to do more with less and being consistent over the years. We have to find a way to better compensate the staff. There needs to be a way to get all of the Civil Service staff more compensation. The Great Place to Work rule has caused additional work for staff. The Commission then approved the motion to defer unanimously.

Item #4(d) was a request from Mubashir Maqbool to address violations of rules and regulations relative to assigning classified work to the unclassified employees of the Project Delivery Unit at the S&WB and other matters. Mr. Maqbool stated he brought this issue to the Commission last year. The purpose of the PDU is to handle FEMA grant projects, but there is still intermingling. There is malfeasance being done by at least two offices. They are breaking the law, the rules and committing fraud. They are charging time to FEMA codes and intermingling classified work with unclassified work. It is a clear abuse

of power. Commissioner Craig stated that she was not sure that the FEMA and invoicing are under the Commission's purview, but making sure that classified work is performed by classified employees is. Commissioner Craig noted that staff would be auditing unclassified positions and asked Director Hudson to come up with an audit schedule.

Item #4(e) was a report on overtime earnings relative to Rule IV, Section 9.7 (a) and a request from the Chief Administrative Office for an exception to the Rule. Robert Hagmann reported that the city is doing a better job with overtime. He noted that some departments could do a better job with providing an explanation regarding excessive overtime. Mr. Hagmann stated that staff supports the request for the exception to the Rule. He noted that this request does not include S&WB because they did not issue a report due to their new system. Mr. Hagmann noted that with the city's overtime there are 118 people which is down from 250. Commissioner McClain motioned to approve the request from the CAO for an exception to the overtime threshold. Commissioner Caputo suggested requesting that S&WB provide their report. Mr. Greene stated that he had sent questions to S&WB related to the Commission's quarterly review of overtime and that he was trying to get a response to that. Letters had been sent in June and October with no response. Commissioner Richardson then seconded the motion to approve the exception to the overtime Rule and it was approved unanimously.

Item #5(a) under Recruitment and Selection Matters was the approval of examination announcements 1028 to 1034. Commissioner McClain moved to approve the examination announcements. The motion was seconded by Commissioner Moore and approved unanimously.

Item #5(b) was a request from the Department of Human Services to remove the requirement of a Psychological Assessment from the job announcement for the Juvenile Detention Counselor Series. Dr. Kyshun Webster, interim Director of the Youth Study Center, stated that the current psychological screening process has contributed to a critical staffing shortage. He stated that the requested change would improve staffing and retention without impacting the quality of new hires. He proposed following the hiring processes recommend by the Louisiana Department of Juvenile Justice and the Dept. of Children and Family Services which would include in person interviews, the Diana screening, drug testing and a criminal background check. He stated he was not requesting a change that will lower the

standards for hiring. It would standardize practices with neighboring parishes and the state. Dr. Webster then referenced a memo he had provided to the Commission.

Amy Trepagnier, Deputy Director, stated that staff does not support the removal of the psychological screening. She stated that staff does not believe that the Diana screen is an appropriate replacement because it appears to only screen for sexual abuse and boundaries issues. The current process screens for fourteen job related characteristics including social maturity and tolerance, emotional stability and stress tolerance, confidence and assertiveness, conventional and rule abiding, non-abuse of drugs and alcohol, sound judgement and common sense, and freedom from psychopathology. She stated that staff does not believe that the Diana screen would screen for those items. The current screening includes some psychological inventories and an hour long clinical interview with the psychologist. Ms. Trepagnier noted that only about 20% of candidates who take the psychological screening are unsuccessful which is consistent with the pass fail rate of Police Recruit candidates who undergo a similar screening. Commissioner McClain asked Dr. Webster if he is making a change to align with other juvenile detention facilities or to expedite the hiring process. Dr. Webster responded that he was doing both. To be competitive we should not include any additional barriers to job seekers. Job seekers must take an additional day off of work and sit through five hours of an interview process. He added that despite the psychological screening process, there have been some incidents. Commissioner Craig asked Dr. Webster if he is concerned that without a psychological screening there would be more incidents. Dr. Webster responded that we have a new process that has a deeper background check. Commissioner Craig asked Dr. Webster if he wouldn't agree that a background check and psychological screening are two different things. Dr. Webster responded that the background looks at all of those things we are concerned about. Commissioner McClain stated that the background looks at the past, and asked what about what might occur based on someone's propensity to behave in a certain way that might be discovered by a psychological test. Dr. Webster responded that we can standardize our interview process to ask behavioral questions. We can use online instruments. Commissioner McClain asked Dr. Webster if he would be able to determine through his battery of tests if someone has a DSM V disorder. Dr. Webster responded that there are some online instruments that the score would indicate further psychological evaluation. Commissioner Craig asked which ones.

Dr. Webster stated the MPP. Ms. Stolp stated it is the MMPI, but the State of Louisiana requires a licensed clinical psychologist to make a DSM diagnosis. Dr. Webster then stated that there is a problem with having just one evaluator. There could be interviewer bias and the possibility of making a decision without context. People we have interviewed with 10-15 years of experience in other agencies or law enforcement cannot get cleared. Commissioner Moore stated that it was not enough of a reason to remove protections that already exist. If we remove it and something does happen we will be asked why did you take it away. Ms. Trepagnier stated that an employment interview and a psychological screening do not measure the same things. Obviously people are going to present themselves in the best light in an employment interview. They are going to admit to things in a psychological interview that they would not in an employment interview. Commissioner McClain asked if staff could offer other strategies for hiring and if there is a way to do it in one day. Ms. Trepagnier responded that applicants come in for a couple of hours one day to take the batteries. A report is produced and reviewed by the psychologist to use the next day. The interview is one hour. Ms. Stolp offered to work with the psychologist in using the shorter version of the MMPI. Ms. Trepagnier noted that this request was concurrent with a request to add to the ways applicants can qualify for the position in order to cast a wider net to bring in more applicants. She noted that it makes the psychological more important because you are bringing in people who may come from fields where they have not worked with youth in the past. Commissioner Craig stated that she had serious reservations with removing this exam because it is children in hard places, and takes someone with the mindset to deal with them. Commissioner Moore moved to deny the request. It was seconded by Caputo Commissioner McClain suggested that Dr. Webster meet with staff soon to discuss new strategies to get more employees at the Youth Study Center. The motion to deny the request was then approved unanimously.

All items under #6 Rule Amendments were deferred due to time constraints.

Item #6 (a) under Rule Amendments was amendments to Rule XI relative to Performance Evaluations.

Item #6 (b) was an amendment to Rule IV relative to prescriptive periods for back pay claims.

Item #6 (c) was an amendment to Rule IV, Section 7 relative to Hiring Above the Minimum.

Item #7 was the ratification of Public Integrity Bureau (PIB) 60 Day Extension Requests. Commissioner Craig called for public comment. There being none, Commissioner McClain motioned to approve the request. Commissioner Caputo seconded the motion at it was approved unanimously.

All items under #8 Communications were deferred due to time constraints.


Item #8 (a) under Communications was a report on the status of the Pay Disparity Study.

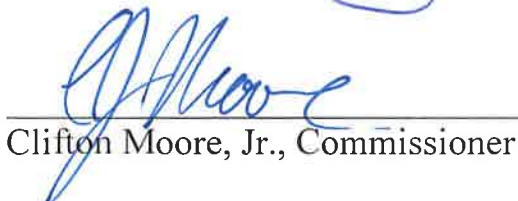
Item #8 (b) was a report on ADP ongoing issues.

Item #8 (c) was a report on the Civil Service Budget and Staffing.

Alexandra Norton, a Deputy Director at the Airport, then requested to add an item to the Commission's agenda. Commissioner McClain moved to add the item to the agenda. Commissioner Caputo seconded the item. Ms. Norton stated that it was a request for Airport Services Manager allocation for the Airport's janitorial program. Director Hudson stated that staff has not officially denied the request. Mr. Hagmann stated that staff is working with dept. to gain addition information. Commissioner McClain voted for the motion, Commissioners Caputo, Craig, Moore and Richardson did not and the motion failed.

Commissioner McClain moved for adjournment at 1:35 p.m. The motion was seconded by Commissioner Caputo and approved unanimously. Commissioner Craig then thanked Commissioner McClain for his time on the Commission.







Handwritten signature of Brittney Richardson in blue ink, written over a horizontal line.

Brittney Richardson, Commissioner



Handwritten signature of Stephen Caputo in blue ink, written over a horizontal line.

Stephen Caputo, Commissioner