

CIVIL SERVICE COMMISSION  
REGULAR MONTHLY MEETING  
Monday, January 29, 2018

The regular monthly meeting of the City Civil Service Commission was held on Monday, January 29, 2018 at 1340 Poydras Street, Suite 964. Ms. Doddie Smith, Personnel Administrator of the Management Services Division, called the roll. Present were Chairperson Michelle Craig, Vice Chairperson Ronald McClain, and Commissioner Clifton Moore, Jr. Chairperson Craig convened the meeting at 10:05 a.m. Commissioner Stephen Caputo joined the meeting at 10:21 a.m. At 10:51 a.m. on motion of Commissioner McClain and second of Commissioner Moore, the Commission voted unanimously to go into executive session.

At 11:46 a.m. the Commission completed its executive session and proceeded with the business portion of the meeting.

Item #1 was the minutes from the December 18, 2017 meeting. Commissioner Caputo moved to approve the minutes. Commissioner Moore 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). Personnel Director Lisa Hudson stated that S&WB had asked for the item to be deferred. Commissioner McClain stated that the Commission still wanted to hear from its Executive Counsel Brendan Greene on the item. Mr. Greene reported that he had spoken that day with S&WB's Deputy Special Counsel Yolanda Grinstead and interim Special Counsel Jade Brown-Russell and they, along with Marina Kahn, interim Chief Financial Officer, expressed a desire to engage with the Commission on this item, but they have not had an opportunity to do so yet. S&WB would like to have a representative come to the February meeting and make a presentation with respect to this agenda item. Commissioner McClain noted that he understood the challenges facing S&WB, but that the goal of delegation was to expedite hiring and get more people to work. He stressed that it is important for the Commission to hear from S&WB in terms of how delegation is working. The Commission would like for it to work but if it is not working, the Commission can pull it back or try different strategies. Commissioners Craig and Caputo echoed Commissioner McClain's comments on the importance of S&WB sending a representative to present on this item at the Commission's February meeting.

Item 3(a) under Classification and Compensation Matters was the unauthorized appointment of an unclassified Construction Project Manager in Human Resources. Marina Kahn, S&WB interim Chief Financial Officer, stated that she had interviewed the individual involved, reviewed resumes and their duties and responsibilities. The individual involved is very qualified in fiscal, project management and investment experience, but he admitted he had no human resources experience. She noted that she had spoken to his supervisor. The supervisor said that the position had been switched from Project Manager to Requisition Invoice Team Lead because he was overseeing a grant for training at Delgado for hard to fill plant positions. She stated that the supervisor, Sharon Judkins, feels that is the work he is performing. Commissioner McClain clarified that the supervisor, who is the Director of Human Resources, felt that the employee was doing human resources work as a Requisition and Invoice Team Lead. Commissioner McClain asked if Requisition and Invoice Team Lead was a human resources position. Director Hudson responded that it was not, it was a position performing FEMA related work. Commissioner McClain asked if staff had sent a correspondence to S&WB relative to the inappropriate placement of the individual in the position. Director Hudson responded that notice had been sent starting with the Construction Project Manager position. In response to that, they moved him to Requisition and Invoice Team Lead which was also inappropriate. That information has also been communicated to S&WB. Director Hudson noted that S&WB had been asked to remove the employee from both Construction Project Manager and Requisition and Invoice Team Lead. Commissioner McClain asked Ms. Kahn if she was now trying to justify that person in the Requisition and Invoice Team Lead position. Ms. Kahn responded that she was in a quandary because she had received notice a few days ago that the position was under investigation by the Office of the Inspector General. Commissioner McClain asked Ms. Kahn if she understood that the Commission, through its staff had directed S&WB to remove the person from both positions. Ms. Kahn responded that she did. Ms. Kahn stated that Ms. Judkins said the position should be Requisition and Invoice Team Lead. Ms. Kahn noted that she asked the individual and he said he did not have any human resources experience nor was any such experience listed on his resume. She stated that she had found a financial analyst position in the Capital Projects Unit for him to be moved into. The position reviews contracts. Ms. Kahn asked for some time to allow a transition from his duties with the Delgado grant so that someone can take that over.

Commissioner Moore stated that it is not a consideration for the Commission. He then asked when this person began work at S&WB. Mr. Greene stated that it was in April of 2017. Director Hudson stated that S&WB had been notified of the issue in August of 2017. Commissioner Moore noted that after all of that time, this was the first the Commission was hearing of the employee moving to a new position. Ms. Kahn stated that she had just started her work at S&WB. Commissioner McClain stated that Ms. Khan had just started, but Ms. Judson had been there for quite some time and apparently that is the person Ms. Kahn has gone to for a lot of advice on this situation. She noted that Mr. Owusu, the employee in question, had a Bachelor's degree in Philosophy and an MBA. Commissioner Craig noted that he did not have any human resources experience. Commissioner Caputo added that he did not have Construction Project Management experience either. Commissioner Moore then moved that Mr. Owusu be removed from his position immediately. He then instructed Ms. Kahn that she should check with the Commission's staff to determine if the position S&WB intends to move the employee to is viable. Commissioner McClain then seconded the motion. Commissioner Moore clarified that if the staff determines that the new position is not viable, the employee cannot occupy that one either. Commissioner Craig clarified that if the Civil Service staff determines that the employee does not fit into that position, he needs to be removed immediately. The motion was then unanimously approved. Commissioner McClain then noted that the Commission's decision is not a reflection on Ms. Kahn and that they understood the challenges being faced by S&WB.

Item #3 (b) was a request from S&WB for Pay Plan amendments to classes within the Customer Services Division. Robert Hagmann, Personnel Administrator over the Classification and Compensation Division, stated that S&WB had asked for hiring rates for its entire Customer Service Division. He stated that due to the system-wide effect of some of the positions, staff was requesting hiring rates for the meter reading specific positions to address recruitment and retention needs. Commissioner McClain asked if the recommendations were consistent with the recommendations of S&WB's recent compensation study. Mr. Hagmann responded that staff reviewed the recommendation, but made recommendations that ensure uniformity with related job classifications. He noted that staff was working closely with the administration and was hoping to provide a comprehensive document next month about how pay increases for the rest of the city would take place. He stated that staff was recommending the meter reading

increases in hopes of increasing employee retention. Most of the increases are about 10.5% to 12.5% with entry level positions seeing more of an increase. Commissioner McClain moved for approval. Ms. Kahn then commented that the increases will help S&WB move toward its goal of monthly meter readings. She asked that discussions with staff continue regarding the remaining customer service positions. She expressed a desire to make the positions specific to S&WB. Commissioner McClain suggested that Ms. Kahn work with staff on that specific request. Ms. Kahn noted that there were morale problems in the unit and that there was an expectation of some sort of pay increase. She noted that there are currently 25 vacancies and that the division was losing people on a regular basis. Director Hudson responded that staff would continue working with S&WB on the matter, but that the issue is distinguishing what the employees at S&WB do from what other city employees do. She noted that it will take a lot more digging to understand those differences and distinguish those jobs from the city jobs. Director Hudson noted that the proposed rates were slightly higher than those proposed by MAG, S&WB's pay consultant, in order for them to fit in the existing pay tables. Commissioner Moore then seconded the motion and it was approved unanimously.

Item #3(c) was a request from the S&WB for an exception to Rule IV, Section 9.7(a) relative to exceeding overtime maximums. Director Hudson reported that S&WB had asked for a deferral of the item. Ms. Kahn stated that she was in the process of compiling the information from managers in conjunction with this request and other ongoing audits. She noted that she also needs to submit end of year reports to the Commission. She stated that she understood she would be expected to respond in writing to the questions sent to S&WB by Mr. Greene.

Item #3(d) was a request from Karen Fortuna, Gary Joseph II, and Michele Sigur to address the Commission regarding stagnation and unfair and unequal promotional opportunities. Director Hudson reported that staff had a couple of meetings with Finance regarding the item and Finance had asked for a deferral of the item.

Item #3(e) was a request from the Police Department to appeal the extraordinary qualifications revocation for Marilyn Melder. Robert Hagmann stated that Marilyn Melder had been promoted to Administrative Support Supervisor, a career series, on October 22, 2017. The Police Department (NOPD) then applied the Extraordinary Qualifications Rule,

Rule IV, Section 2.7, and granted her 25% above the minimum pay, the maximum rate allowed. Staff did not believe that it met the requirements of the rule, so staff then revoked the pay. NOPD then appealed staff's decision at the Commission's December meeting. NOPD argued that Ms. Melder's twelve years of experience as a payroll supervisor and an Associate's degree made her extraordinarily qualified. At the December meeting the Commission asked that staff work with NOPD to come up with a compromise not necessarily based upon the use of Rule IV. Since then, staff has met with NOPD and has also given them the opportunity to complete a new extraordinary qualifications request form to supply additional information or better justify what is required under the rule. Staff did not see any new information on the new form that had not been previously taken under consideration. Mr. Hagmann noted that NOPD had lowered the recommended amount from 25% to 20%. Staff then sent a response to NOPD detailing why the request did not meet the test of the rule. Staff also sent an alternative option of a special rate of pay based on Ms. Melder's education. The special rate of pay would be applicable for all administrative support personnel. Commissioner McClain asked how many employees would be impacted. Mr. Hagmann estimated it would be approximately 100, but staff would have to research that information. An Associate's degree would pay 2.5%, a Bachelor's degree would pay 5% and a graduate degree would pay 7.5%. That recommendation is based on what Police Officers currently earn. Mr. Hagmann noted that the issue is equal pay for equal work. Ms. Melder just recently met the minimum qualifications for the position. She had one month above the minimum qualification. She has been in that role for twelve years, but due to the expansion of her role, she has already received many promotional opportunities. There have been three promotions from February 2012 to 2017 to recognize her specialized experience. Promotional pay, longevity pay, and merit pay all recognize experience. Characterizing the experience earned by Ms. Melder in lower level positions as extraordinary would set a new precedent. All employees being promoted in a career series would make a similar claim for extraordinary pay utilizing their specialized experience at lower pay grades. This experience has already been recognized through promotions. Employees enter as Office Assistant Trainees and then there are three levels of Office Assistant and four levels of Office Support Specialist. With a year of tenure and good performance you move up the series. Ms. Melder is in one of the highest administrative support positions in City government. Commissioner McClain then asked if Mr. Hagmann would consider the other people in those positions to be performing equal work to Ms. Melder.

Mr. Hagmann said he would. Director Hudson noted that the system is created to put a lot of people in the same job classification rather than create specialized job classes. There are 700 job classes now. If we did that for everyone performing specialized work in city government, we would have three times that many. Commissioner McClain stated that at the last meeting, NOPD represented that Ms. Melder was performing a lot of work. He stated he didn't know what other people were doing. Director Hudson stated that other employees are not performing the exact same work, but the work is comparable. Staff would not have allocated the person to that job if the work was not at a comparable level. Mr. Hagmann stated that this position is ten rungs up the career ladder. There is a person in the Retirement Office performing similar work with the pension system like pension deductions, pension corrections and work with state agencies. The same level of work is being done. Commissioner Moore then asked how many people are qualified for that position. Mr. Hagmann responded that it would be anyone with that experience as an Administrative Support Supervisor III.

Bryan Bartholomew, NOPD's Human Resources Administrator, stated that a person at the Fire Department is the only other person in city government doing similar work to Ms. Melder. No one else processes millage pay, state supplemental pay, and two retirement systems other than the Fire Department. He stated he had contacted other cities with Payroll Supervisors. Tallahassee told him their position makes \$64,000. He noted that that person also had additional duties. His staff had spoken to Nashville. Their position had a similar salary. The City of Atlanta provided a range of \$58,000 to \$82,000. Other cities comparable to New Orleans recognize those duties and are paying substantially more, now granted they have more duties. He stated he would like the Commission to recognize Ms. Melder's essential functions which are different from everyone else's.

Commissioner Moore stated that his concern was that just because Ms. Melder is the only one performing the work, does not mean that she is the only person qualified to perform the work. She gained her specific skill set by being in that position. It doesn't mean that anyone else is not qualified to learn or gain that experience.

Director Hudson stated that the system is set up to encourage retention of people in lower level jobs so that they can become specialized in a particular area. NOPD is asking you to recognize all of the experience they have

gained at the lower levels and treat that as extraordinary when our system is designed to set that process up. That is not what we would call extraordinary qualifications. Commissioner Caputo asked how Ms. Melder's pay compares to the person performing similar work at the Fire Department. Mr. Hagmann responded that their pay is the same. Their experience is basically the same. By the time you are at this level you have had over twenty years of experience. Every job you have at that level is going to be very specialized. Josiah Morgan, representing NOPD Human Resources, disagreed that Ms. Melder is at the same pay as the employee doing payroll for the Fire Department. He stated that the Fire employee is an Administrative Support Manager. Director Hudson and Mr. Hagmann responded that the position is at the same pay grade and pay rate as Ms. Melder's position. Mr. Morgan then stated that the employee at the Fire Department has a high school diploma and Ms. Melder has an Associate's Degree, so that merits extraordinary qualifications pay for Ms. Melder. He then stated that staff informed NOPD that granting extraordinary qualifications pay for Ms. Melder would put Ms. Melder's pay higher than that of the Fire Department's Payroll Supervisor. Director Hudson stated that was incorrect.

Commissioner McClain then noted that with her Associate's degree, Ms. Melder possessed educational credentials above the minimum qualifications. Director Hudson explained that there are other people in that classification who possess a Bachelor's degree. That creates an issue with calling it an extraordinary qualification. Commissioner McClain asked if education had been used previously to grant extraordinary qualifications pay. Director Hudson responded that it had been used in cases where it was above the minimum qualifications. She stated that the issue is what value that extra education brings. Staff's recommendation reflects the value that is already placed on it for Police Officers. Giving her more than what we would give an Officer is an issue. Mr. Morgan then noted that there was only one person in that position who has education above what Ms. Melder has. Director Hudson noted that that employee has a Bachelor's degree as well as others on the eligible list for that position. Commissioner McClain noted that four employees would be affected. Director Hudson noted that it was four now, but you are setting a precedent and the next time a person is promoted you would have to consider that as well. We should be consistent with what that value is and treat everyone consistently. Amy Trepagnier, Deputy Personnel Director, stated that giving a Payroll Supervisor a 20% increase for an Associate's degree in General Studies and a Police

Lieutenant 5% for a Bachelor's degree in Criminal Justice is an equity issue because the values are so far off. Shelly Stolp, Personnel Administrator over the Recruitment and Selection Division, noted that this position is in a job series and that there are several other employees in positions in that series who have degrees. She asked why this position would receive the increase and the others in lower clerical positions would not. Commissioner McClain asked if this was the case for previous administrations of extraordinary qualifications pay. Ms. Stolp noted that extraordinary qualifications pay is typically given for entry positions and not in a job series. Director Hudson noted that staff's proposal was an attempt to standardize the value so that all departments could benefit from it. Commissioner McClain asked if NOPD had been offered 2.5% instead of the 20% it was seeking. Director Hudson responded affirmatively. Mr. Bartholomew agreed that rate was offered to him, but under a different program. He stated he was declining the 2.5% because based on the essential functions of the job, it warrants more. Commissioner McClain said that he understood staff's position that everyone with similar education should have a chance to get an increase based on that education and/or experience. He stated that he understood that staff was saying that in this case an Associate's degree does not justify a 21% increase, but that it does justify a 2.5% increase. Mr. Bartholomew stated that based on Ms. Melder's essential functions, her current pay is insufficient. Commissioner McClain noted that Ms. Melder is already in the position performing the work, so that has implications for others who are already in similar positions who may believe that they should be compensated at a much higher rate for what they are doing. He stated he understands the nature of staff's position on what might happen if this precedent is set. Commissioner McClain then moved to approve a 2.5% increase for Ms. Melder with the understanding that she may receive more with a Bachelor's degree or the 10% across the board pay increase. The motion was seconded by Commissioner Moore and approved unanimously. Commissioner McClain then stated that he appreciated the work performed by Ms. Melder and all city employees but noted that the Commission had to be careful with setting unsustainable precedents. Director Hudson stated that she would like to pursue creating the special rate of pay for all clerical employees with degrees. She stated she would like to present it to the Chief Administrative Office to get their feedback. She stated she would probably bring it back as a part of the overall recommendation for the pay plan. Commissioner Craig then thanked NOPD staff for the data they provided.



Item #3(f) was a request from the Fire Union to appear before the Commission relative to the SSA Consultants Pay Study. Director Hudson stated that the Fire Union had requested that the item be deferred.

Item #3(g) was a request from the Aviation Board to appeal the decision of the Civil Service Staff relative to allocations to the Airport Senior Services Managers. Robert Hagmann reported that staff was still working on the study related to Aviation's request for four positions to the level of Airport Senior Services Manager, which is like a Deputy Director level position. He asked for additional time for staff to work on the request. Alexandra Norton, Deputy Director for Innovation and Administration at the Airport, asked that the Commission consider the request at the current meeting. After some discussion, Commissioner Moore motioned to give staff an additional two weeks to February 9<sup>th</sup> to complete its review of the requested positions. Commissioner McClain seconded the motion and it was approved unanimously.

Item #3(h) was a request from Airport Service Agents who perform accounting work to utilize the Accounting Series. Robert Hagmann stated that due to hiring rates approved for the Accounting Series, the Airport Services Agents who perform accounting work asked for consideration to use that series. Staff is currently working with Aviation to complete their transition to the accounting series. Alexandra Norton stated that Aviation and staff agree on the matter.

Item #4(a) under Recruitment and Selection Matters was the extension of the Police Lieutenant Register for six months. Amy Trepagnier reported that the existing Police Lieutenant register will reach three years old at the end of January. Under the Rules, the approval of the Commission is required to extend the list beyond three years. Staff recently created a Sergeants list, so now it can begin working on the new Lieutenants list. Staff is requesting a six month extension to cover the time period from January 31<sup>st</sup> to the creation of the new eligible list. There are twelve people on the existing list. Staff is hoping to create a new list before the six months are complete. Should the two lists exist at the same time, the lists would be combined and the old list would be placed at the bottom of the new list. She reported that NOPD did not feel that the extension was necessary because of the impending creation of a new list. Commissioner McClain moved for approval. The motion was seconded by Commissioner Moore. Commissioner Moore seconded the motion and it was approved.

unanimously. Commissioner Caputo then asked why a person would be on a promotional list for three years. Ms. Trepagnier explained that for a position like Lieutenant there are only a fixed number of vacancies. It is not an automatic promotion.

Item #4(b) was requests from departments for extensions of time relative to completing the performance plans and performance planning sessions. Amy Trepagnier reported that the new performance planning system that includes goal setting has been configured in an online format using Neogov. Some larger departments with employees in the field have not quite completed their performance planning sessions in the new electronic system, so they are asking for a month or two extension. Commissioner McClain asked what the normal period would be. Ms. Trepagnier responded that the planning period is from September to the end of December. During the planning period, an employee's goals are set for the next year. The performance appraisal for the prior year is due on April 1<sup>st</sup>. Commissioner McClain then asked what the time period for the Civil Service Department's goal setting. Ms. Trepagnier responded that it was the same as other departments and it had already been completed. Commissioner McClain then asked what makes the requesting departments different from other departments. Commissioner Moore responded that as a supervisor, he had to use the system and that it was cumbersome. The Fire Department did not have goals in the library like everyone else; they had to copy and paste information into the system. Ms. Trepagnier noted that the Fire Department came up with goals and sub-goals. Their administration made it more complex than some of the other departments. Commissioner Craig stated that it was important to communicate to the departments the importance of completing the goal setting. Commissioner Moore motioned to approve the requests for extension. The motion was seconded by Commissioner McClain and approved by Commissioners Moore, McClain and Caputo. Commissioner Craig had briefly left the meeting, so she did not vote.

Item #4 (c) was the approval of extension of provisional appointments in accordance with Rule VI, Section 5.3 (a). Director Hudson provided the Commissioners with a list of provisional appointments for which she was requesting a year extension. She noted that the Rules require Commission approval for provisional appointments that last longer than one year. She stated that this is a routine request made each year and that the staff was working with departments to place employees in probationary appointments when possible. The extension is for 194 appointments. Commissioner

McClain noted his concern with the lack of ability of provisional appointees to appeal disciplinary action. Director Hudson stated that some positions are promotional, so the employee has other permanent status. Shelly Stolp noted that in order to make employees probationary there needs to be three people on an eligible list, and for some positions there are not. Amy Trepagnier noted that sometimes departments request very specific types of previous experience for a position which makes it difficult to get three eligible candidates. It is a balance between meeting the needs of the department and getting a list of three or more candidates. Commissioner Moore moved for approval. The motion was seconded by Commissioner McClain and approved unanimously.

Item #4(d) was the approval of examination announcements 9807-9818. Commissioner Moore moved to approve the examination announcements. The motion was seconded by Commissioner McClain and approved unanimously.

Item #5 was the ratification of Public Integrity Bureau (PIB) 60 day extension requests. Chairperson Craig called for public comment. There being no public comment, Commissioner McClain moved to approve the extensions. Commissioner Moore seconded the motion and it was approved unanimously.

Item #6(a) under Communications was a report on ADP ongoing issues. Director Hudson deferred this item.


Item #6(b) was a report on Civil Service budget and staffing. Director Hudson stated that an employee in the Certification Unit was retiring. She also noted that she had received approval for an additional analyst in the Compensation Division, but there was no place to put the person. An additional Psychometrician will be starting, but there is no place for that person either. She further reported that she was awaiting information from the Community Development Department on renting space on the ninth floor. She noted that the only alternative was to dismantle the training room and use that for space. Commissioner McClain suggested communicating the need for space to the next Mayor's transition team. He apologized for not being able to do more for the staff. Director Hudson stated that she did not want to not hire people needed to do the work because there is no place to put them. Commissioner McClain stated that he was focused on moving

the work forward, but Director Hudson did not have the space to put the staff to do so.


There being no additional business to consider, Commissioner Caputo moved for adjournment at 1:58 p.m. The motion was seconded by Commissioner Moore and approved unanimously.



Michelle Craig, Chairperson



Ronald McClain, Vice Chairperson



Stephen Caputo, Commissioner



Clifton Moore, Jr. , Commissioner