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CIVIL SERVICE COMMISSION
REGULAR MONTHLY MEETING
MONDAY, OCTOBER 21, 2013

The regular monthly meeting of the City Civil Service Commission was held on Monday, October 21, 2013 at 1340 Poydras Street, Suite 900. Present were Chairman Kevin W. Wildes, S.J., Commissioners Joseph S. Clark and Michelle D. Craig. The Chairman convened the meeting at 10:04 a.m. and proceeded by sounding the Commission's docket. At 10:14 a.m., on motion of Commissioner Clark and seconded by Commissioner Craig, the Commission voted unanimously to go into executive session to discuss matters taken under advisement and pending litigation. At 11:01 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 of the September 16, 2013 meeting. The minutes were approved unanimously on motion of Commissioner Craig and seconded by Commissioner Clark.

Item #2 on the agenda was Classification and Compensation matters. Item #2(a) was a request from the New Orleans Police Department (NOPD) to reinstate the unclassified position of Deputy Superintendent to handle the responsibilities overseeing the consent decree compliance and policies. Mr. Robert Hagmann, Personnel Administrator, reminded the Commission that this item was continued from last month's request for the police department to reinstate the unclassified position of Deputy Superintendent. Mr. Hagmann informed the Commission that staff is in support of the Police Chief's request and recommended that a sunset provision of one year be placed on the position. Mr. Raymond Burkhart, representative of the Fraternal Order of Police (FOP) spoke in opposition to the reinstatement of this position. Ms. Elizabeth Robins, attorney for the City's Law Department, spoke in favor of the reinstatement of the unclassified position. On motion of Commissioner Craig and seconded by Commissioner Clark, the Commission voted unanimously to reinstate the unclassified position of Deputy Superintendent to handle responsibilities overseeing the Consent Decree compliance and policies for a one year period. After one year, the Commission will review the position to determine if there is a continued need for the position.

Item #2(b) was a review of the Office of Inspector General's unclassified School Construction Fraud positions. This item was deferred to the next meeting at the request of Ms. Shelly Stolp, Personnel Administrator of Classification and Compensation. Ms. Stolp informed the Commission that staff is in the process of scheduling meetings with the Office of Inspector General and that staff needed more time to study the positions.

Item #2(c) was a request for the creation of a Mediation Coordinator position for the Police Monitor's Office. Ms. Stolp reminded the Commission that this item was introduced at the September Commission meeting and was deferred to allow the Police Monitor's office to address the Commission regarding the Mediation program. Ms. Ursula Price and Ms. Simone Levine, representatives of the Independent Police Monitor's Office, explained to the Commission that their office was mandated to create a mediation program to handle citizen complaints against Police Officers. She informed the Commission that a program was developed using a coalition of community members and was approved by a three member board that is staffed by Police Superintendent Ronal Serpas, Ms. Susan Hutson, the Independent Police Monitor, and Mr. Calvin Johnson, a retired judge. She explained that some of the functions of the Mediation Coordinator would be to screen cases referred from the Public Integrity Bureau (PIB), organize fundraisers to keep the program sustainable and coordinate the logistics of the mediation process. Mr. Raymond Burkhart, on behalf of FOP, spoke in opposition to the creation of this position because they believe the current plan would put police officers in violation of departmental policy. After further discussion, Commissioner Craig requested that the parties meet and bring a draft back to the Commission. Mr. Eric Hessler, representative of the Police Association of New Orleans (PANO), also addressed the Commission explaining that PANO is not necessarily against the position, but they have not seen the final draft and would like to have some input in the meeting. Director Hudson informed everyone that the item would be revisited after item #6(b).

Item #2(d) was the emergency overtime pay rule change proposals. Mr. Robert Hagmann, Personnel Administrator, informed the Commission that staff presented an overview of the City's emergency pay rule history as well as emergency pay practices of other jurisdictions at a previous meeting. Staff found that emergency pay practices were diverse, with some jurisdictions providing no premiums and others providing both emergency pay as well as overtime pay. He informed them that some of the City's highly compensated salaried employees were treated like hourly workers during Hurricane Isaac, which generated very high paychecks. Based on this experience, staff presented some rule change proposals for the Commission's consideration. Mr. Hagmann noted that changes were only being

proposed for the overtime component for salaried personnel and that no changes were being proposed for the Emergency Pay Rule (Rule IV, Section 11.1). He noted that there were four rule change proposals for commission consideration. These proposals were submitted by: Civil Service staff, the Chief Administrative Office (CAO), the Fraternal Order of Police (FOP) and the Office of Inspector General (OIG). Mr. Hagmann then gave highlights of each proposal. Ms. Alexandra Norton, a Service and Innovation Manager, addressed the Commission on behalf of the administration. She stated that CAO's proposal was to simplify how pay rules (Rule IV, Section 11 and Rule IV, Section 9) interact with each other. She expressed that there are times in emergency situations when some exempt administrative employees must work a significant amount of time and that the administration felt it was important to compensate those individuals for working during these emergency situations. She expressed that they are not allowed to evacuate with their families while other employees are able to evacuate with their families and get paid straight time for not working. Ms. Norton stated that the administration's proposal for fixing the way the two rules work together is to lower the total amount of overtime pay available to highly compensated employees and to only apply the emergency pay to the normal work week. She stated that CAO's proposal would eliminate the unintended double compensation while reducing emergency pay for highly compensated employees. Mr. Burkhart addressed the Commission informing them that FOP submitted a proposal and asked that their proposal be adopted with regards to first responders. Director Hudson stated that there were some changes in CAO's proposal that had not been made public and recommended that employees and department heads be given a chance to review the amendments and then take the matter up at the next meeting. Chairman Wildes requested that the matter be deferred to the next meeting.

Item #2(e) was a request from the Police Association of New Orleans (PANO) to investigate violations of Civil Service rules relative to the establishment of rates of pay for the Office of Police Secondary Employment (OPSE). The Commission addressed items #2(e) and #2(f) together, requesting the deferment of these items on advice of Mr. Gilbert Buras, Commission Counsel.

Item #2(f) was the establishment of payroll codes for payment through the City's payroll system for police detail work. The Commission requested the deferment of this item on advice of Mr. Buras. Ms. Sharonda Williams, City Attorney, asked if the provisional pay codes that are currently being used would continue. Director Hudson and Chairman Wildes both responded, "yes."

Item #2 (g) was the proposed special rate of pay for bilingual skills. Director Hudson asked that the matter be deferred until the next meeting because Mr. Hagmann is still in the process of investigating the matter.

Item #3 on the agenda was Recruitment and Selection matters. Item #3(a) was Examination Announcements #8875 through #8883. On motion of Chairman Wildes and seconded by Commissioner Craig, the announcements were approved unanimously.

Item #3(b) was an appeal of minimum qualifications for the Office of Inspector General Criminal Investigator positions. Ms. Amy Trepagnier, Personnel Administrator of Recruitment and Selection, reminded the Commission of its request for staff to work on the matter with the Office of Inspector General. She informed the Commission that they were working on a compromise and that staff should have an entry level position to propose that would be acceptable to both parties.

Item #3(c) was a request from Officer Robert Hamilton to address the Commission regarding the rejection of his Police Sergeant application. Director Hudson informed the Commission that the matter was deferred from the last Commission meeting. Mr. Donovan Livaccari, attorney representing Officer Hamilton, gave a review of Officer Hamilton's prior work experience with the New Orleans Police Department (NOPD) and U.S. Customs. He explained that Officer Hamilton's application was rejected because he does not currently have permanent status as a Police Officer. He further explained that there were problems with Officer Hamilton's promotion and probation end dates with the NOPD. On motion of Commissioner Craig and seconded by Commissioner Clark, the Commission voted unanimously to allow Officer Robert Hamilton's Police Sergeant application to be accepted.

Item #4(a) on the agenda was the proposed amendment to Rule IX related to disciplinary action and letters of reprimand. Mr. Richard Carter, Personnel Administrator, informed the Commission that this rule was introduced at the last meeting and that two changes had been made to the proposed amendment. Mr. Carter reviewed the two changes, one of which was related to letters of reprimand. Ms. Elizabeth Robins of the Law Department spoke in opposition to including the statement regarding letters of reprimand. Mr. Burkhart spoke in favor of this change. After further discussion on the matter, Chairman Wildes requested that the matter be taken under advisement.

Item #4(b) on the agenda was the proposed amendment to Rule VIII related to leave without pay (LWOP). This rule was introduced at the September Commission meeting and no changes were made. On motion of Commissioner Craig and seconded by Commissioner Clark, the proposed amendment to Rule VIII was approved unanimously.

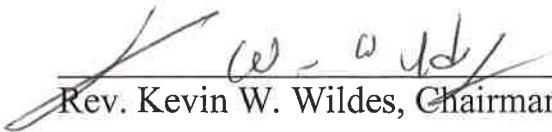
Item #5 was the ratification of Public Integrity Bureau (PIB) 60- day extension requests. The Hearing Officer's recommendations on these requests were approved unanimously on motion of Chairman Wildes and seconded by Commissioner Craig.

Item #6 on the agenda was Communications. Item #6(a) was a status update on request from the Police Association of New Orleans (PANO) regarding Integrity Control Officers within the Police Department. Director Hudson informed the Commission that staff is continuing to investigate the matter to determine if the Integrity Control Officers are working out of their job classifications. She informed them that the Superintendent was unavailable to meet with staff regarding this matter, however, representatives of his office met with staff. Staff had follow up questions that were sent to the Superintendent; however, the Superintendent was advised by the Law Department not to respond due to pending litigation related to the matter.

Item #6(b) was an update on the status of establishing a Citywide Compensatory Time Policy. Director Hudson informed the Commission that staff is planning to meet with some of the police associations to discuss their concerns.

The Commission then returned to item #2(c) regarding the Mediation Coordinator position for the Police Monitor's office. Mr. Schlesinger expressed that FOP represents approximately 90% of active police officers and asked that FOP be given more time for the board to review the process. Ms. Levine explained that the Police Monitor's office had asked FOP several times to participate in creating the rules of the process. She explained that mediation is strictly voluntary and if an officer does not sign up for mediation, it does not occur. She informed the Commission that the Police Monitor's office had reviewed at least ten different programs across the country. On motion of Chairman Wildes and seconded by Commissioner Craig, the Mediation Coordinator position was approved unanimously.

Director Hudson noted that there were no other communications to consider. On motion of Chairman Wildes and seconded by Commissioner Craig, the meeting was adjourned at 12:31 p.m.


Rev. Kevin W. Wildes, Chairman


Joseph S. Clark, Commissioner


Michelle D. Craig, Commissioner


Edward P. Cohn, Commissioner