

# **Commission on Streamlining Government Survey**

**Municipal Fire and Police Civil Service  
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## **Section One: Agency Overview**

### ***Introduction***

The Louisiana Constitution and State Statutes have established a separate state wide civil service system for local fire fighters and police officers. The system applies to municipalities with populations between 7,000 and 500,000, and to all parishes parish fire protection districts regardless of population. The system operates on the local level through civil service boards comprised of citizens of the area served and employee representatives of the respective services, all of whom serving without compensation. Each member of the board has full subpoena powers, and the decisions of the board have the force and effect of law. The Office of State Examiner was statutorily established to facilitate the operation of the system by providing guidance and oversight to the local civil service boards, development of classification plans, and testing for all levels of both departments from the entrance level through the chiefs of the respective departments. The Office of State Examiner falls under the umbrella of the Department of State Civil Service, although the Municipal Fire and Police Civil Service is a system independent from the Department of State Civil Service and operating under different statutory authority. Special provisions in the Constitution of 1921 were continued in force and effect as statutes with the adoption of the Constitution of 1974. These statutes provide that the State Civil Service Commission appoints both the State Examiner and the Deputy State Examiner, but beyond the right of appointment, the law provides that they have no administrative control over the Office of State Examiner.

The differences between the Louisiana Municipal Fire and Police Civil Service and the Department of State Civil Service will be explored in detail under Section Five, although two key points are important to facilitate an initial understanding of the system. While the Department of State Civil Service operates with one Civil Service Commission with rule making power, the Municipal Fire and Police Civil Service (MFPCS) operates through local civil service boards in each jurisdiction to which the system applies, all of whom have rule making power for their respective areas. There are currently 107 civil service boards with whom we work. Most of the key provisions governing the operation of the MFPCS system are provided in the Louisiana Statutes and are designated as "super statutes" which require a two-thirds affirmative vote of both houses to amend. Similar provisions for State Civil Service are adopted as rules of the Commission, and may be changed by the Commission through the appropriate hearing process. The MFPCS local civil service boards may not, of course, over-ride state law through their rule making authority. The second key point is that while all classified employees over

whom the State Civil Service Commission has authority are employees of one employer, the State of Louisiana, the classified employees to whom the MFPCS applies are employed by the municipality or fire protection district for whom they work. That means that we work with 107 different employers in the operation of the system.

The driving force behind the creation of the system in 1940 was the elimination of political patronage from the public safety function. The system has endured for nearly seventy years to provide a cost efficient method of providing a continuity of public safety protection through the selection of fire and police first responders based on merit, efficiency, fitness and length of service to even the most rural areas of the state. Having an objective system independent from local politics ensures that candidates selected for employment will have the skill necessary to do the job, and that classified employees will not be subjected to disciplinary action or removal without due process. Another critical advantage of having a state-facilitated system for local law enforcement and fire personnel is in recovery following natural disasters. Forty-two departments in South Louisiana were almost completely destroyed following Hurricane Katrina. Fire and police employees in these areas lost not just their equipment and facilities, but their personal homes as well. Our office was able to provide for emergency hiring and staffing needs, and assisted in the restoration of personnel records for the affected areas.

The Office of State Examiner consists of eighteen classified positions, and there are currently 9,149 classified employees within the MFPCS. There are currently 1,024 individual classes of positions within the system. The OSE maintains current job analyses on all classes and uses this information in the development of both classification plans and validated examinations. The OSE administers promotional and competitive examinations in each of the 107 jurisdictions throughout the state, as well as provides limited testing in the Baton Rouge office for entrance level classes and for members of the armed forces returning from deployment.

### ***Mission and Goals***

Our mission is to administer an effective, cost-efficient civil service system based on merit, efficiency, fitness and length of service, consistent with the law and professional standards, for fire fighters and police officers in all municipalities in the state having populations of not less than 7,000 nor more than 500,000 inhabitants, and in all parish fire departments and fire protection districts regardless of population, in order to provide a continuity in quality of law enforcement and fire protection for the citizens of the state in both rural and urban areas. To this end, our goals track the legislation that encompasses responsibilities and duties incumbent upon the Office of State Examiner, specifically Louisiana R.S. 33:2471 et seq., and R.S. 33:2531 et seq.:

1. To develop and maintain validated classification plans in cooperation with the Municipal Fire and Police Civil Service Board in each jurisdiction which describe the grouping of like positions within the respective fire and police departments into classes which may be treated the same for all personnel purposes, the

arrangement of which is designed to show the principal and natural lines of promotion and demotion, and which provide qualification requirements necessary for eligibility for admission to the respective examinations. (*Louisiana Revised Statutes, 33:2479(G)(1),(2),(5) and 33:2539(1),(2),(5).*)

2. To prepare and administer valid tests of fitness, developed according to professionally acceptable standards, for determining eligibility for initial appointment or promotion to classified positions in the respective fire and/or police departments of the municipalities and fire protection districts, score the tests and furnish the results to the local civil service boards for which the tests are given. (*Louisiana Revised Statutes, 33:2479(G)(1),(3) and 33:2539(1),(3).*)
3. To provide operational guidance in the legal requirements of the Municipal Fire and Police Civil Service system to the local civil Service boards, governing and appointing authorities, department chiefs, employees of the classified fire and police services, and other local officials regarding the duties and obligations imposed upon them by civil service law and relevant State and Federal laws pertaining to the administration and management of personnel within the classified service. (*Louisiana Revised Statutes, 33:2479(G)(1),(4),(5),(6) and 33:2539(1),(4),(5),(6).*)

### ***Constitutional and Statutory Mandates for OSE***

Article X, Section 16 of the Constitution of the State of Louisiana of 1974 provides for the establishment of a classified fire and police civil service system in all municipalities having a population exceeding thirteen thousand and operating a regularly paid fire and municipal police department, and to all parishes and fire protection districts operating a regularly paid fire department. Furthermore, Article X, Section 18 provides that the provisions of Article XIV, Section 15.1 of the Constitution of 1921 (under which the Municipal Fire and Police Civil Service System and the Office of State Examiner were originally established), are retained in force and effect as statutes. These statutes may only be amended or modified by law enacted by two-thirds of the elected members of each house of the Louisiana Legislature. The Legislature, however, may not abolish the system of classified service or make the system inapplicable to the municipalities, parishes or fire protection districts to which it applies.

The statutes that are retained under Article X, Section 18, encompass LSA-R.S. 33:2471 through 2508. Also Act 282 of 1964, which comprises LSA-R.S. 33:2531 through 2569, provides the Fire and Police Civil Service Law for Small Municipalities, and for Parishes and Fire Protection Districts. Small municipalities include those having a population between 7,000 and 13,000. Parishes and fire protection districts are not defined by population, but must establish a classified system if they operate full-time paid fire departments. The offices of State Examiner and Deputy State Examiner are created statutorily, and their duties and obligations are specifically stated under Louisiana R.S. 33:2479 and R.S. 33:2539.

## ***Mandates Impeding Attainment of Agency Goals and Suggestions for Change***

The most far-reaching impact on the OSE has been the arbitrary impact of hiring freezes and work-force reduction legislation on staffing. The OSE has been staffed at a minimum level for many years, and the only way we have been able to meet our responsibilities is to create a culture that expects top performance, not just from a few employees, but from every employee on staff. This means that the loss of even one position creates a gaping hole. We had an employee retire under the provisions of an early retirement bill which required the abolishment of the position of any employee taking advantage of the offer. With 19 positions, the loss of the one position represented over five percent of our workforce and fifty percent of our clerical staff. We asked for an exemption, but it was not granted. To compound the problem, the other clerical position in the office was filled by a probational employee. When it became obvious that the person was not working up to our standards, it was a difficult decision to make in the face of a hiring freeze. Do we keep a warm body in the position to preserve the position, or do we act responsibly? We take hiring decisions very seriously, even for the lowest level position in the agency. We had to let the probational employee go, even if it meant that our workforce had now been slashed by 10.5%.

Reducing the size of government by such arbitrary means is not effective in the long run. It is imperative that we not look to across the board cuts and hiring freezes as a viable means of achieving the reduction. As we seek to streamline and reinvent government, such arbitrary measures are counterintuitive to what we hope to accomplish. The personal impact on our office is that we have had to redistribute tasks so that professional level employees have had to assume clerical tasks, thus impeding their training and our overall efficiency. This is particularly troubling when considering that our source of funding is a tax collected on the total gross direct insurance premiums in the state and not state general fund. We had adequate funding for our authorized positions.

### **Section Two: Efficiency and Benchmarking**

The Office of State Examiner is one program with three interrelated activity areas. We have continued to review and streamline our procedures to keep pace with an increasing mission. In 1980 we had 19 employees and 65 jurisdictions in our system. We currently have 18 employees and 107 jurisdictions in the system. When compared to the Department of State Civil Service, the numbers continue to support the efficiency of the Office of State Examiner. The OSE has 73% of the job titles of DSCS, administers 36% of the tests administered by DSCS, developed and validated significantly more exams than did DSCS last year (we developed approximately 60 new exams last year to their 2 newly validated exams), and we accomplished this with only 19% of their staff. It is important to note that the Municipal Fire and Police Civil Service Law directs that we administer promotional exams for all classes at least once every 18 months in each of our 107 jurisdictions. We are aware of no similar mandate facing

DSCS. Another measure of efficiency is that we have never had a successful legal challenge to one of our examinations

**Comparison of Department of State Civil Service  
To Office of State Examiner**

	Job Titles	Tested	New Exams	Staff
DSCS	1,400	19,548	2	95
OSE	1,024	7,060	60	18
OSE/DSCS	73%	36%	300%	19%

**Section Three: Outsourcing and Privatization**

The OSE already outsources custom software development, computer maintenance, legal services, and some printing. The other obvious area for outsourcing for the OSE is in the development and validation of examinations, an area which we have explored on a limited basis as the size of our mission has continued to grow in the face of decreasing revenues. For those not familiar with the legal and professional requirements associated with testing in an employment context, the underlying principle is that you must analyze the requirements of the job through job analysis, and construct a selection procedure that you can legally prove tests those knowledges, skills, abilities, or constructs necessary for successful job performance. Title VII also requires that you minimize adverse impact on protected minority groups when constructing such a selection procedure.

There are several problems associated with the use of commercial tests in the OSE. First, the magnitude of our mission makes the concept cost prohibitive. Most testing entities might only develop a handful of tests per year. It is our understanding that the Department of State Civil Service validated two new tests last year. We also understand that State Police Civil Service administers one promotional test per year. The OSE is required to administer all promotional examinations in all 107 jurisdictions at least once every 18 months. This sometimes occurs more often when the promotions exceed the number of available persons who are eligible for appointment on a list. Competitive tests are, by law, given as often as the needs of the service require. Any validated examination, whether competitive or promotional, must be supported by job analysis data. Within the OSE framework of operation, this means that job analysis data must be obtained from every department in the system. A very minimal estimate of \$25,000 per promotional test would mean that outsourcing would cost a minimum of \$1,750,000. This exceeds our entire budget, and would not include entrance level examinations, the administration of all examinations, the development of class plans and other advisory functions of the agency that are required by law.

The second problem associated with commercially prepared examinations is that many contracts require that you simply rent the examination by obtaining a licensing agreement. In other words, you never really own the examination, and there is a fee for

each administration. Some companies require that you send the answer sheets back to them for scoring, which significantly increases the response time to the civil service boards and departments we serve. An additional problem is created if there is a challenge to the examination. At any time up to six months after the administration of an examination, any civil service board can require that the OSE produce the exam materials and method for grading in the domicile of that board for review. This does not happen very often, but would cause the agency to incur the travel expenses of flying in consultants from the company with whom the contract for the examination was executed to assist in the review before the civil service board. Many testing companies would object to such a review on the basis of exposure of their examination.

We participated in the initial study for the development of Ergometric's Fire Team exam, and were therefore offered a reasonable cost on the examination. The final product, however, has significantly more adverse impact on African Americans than our existing procedures. We have not yet found a way to utilize this examination so that it would not eliminate minority applicants from consideration.

#### **Section Four: Information Technology Integration**

Our first major step in the use of information technology was the development of an integrated system of information utilization within the Office of State Examiner. At the time this was implemented, it was more a "process" reorganization rather than a computer application, yet it was the beginning of our utilization of information technology. The agency's organization consisted of administrative, classification and personnel management, and testing activity areas. The classification and testing functions both required the use of job analysis data, yet separate data were collected for the two purposes. By reinventing the way we gather job analysis information, the same data was useable by both groups, and the process integration of all agency functions began. The assignment of personnel and organizational structure was viewed as a dynamic rather than a static concept, and we continued to adjust our structure as the need arose. Agency personnel were encouraged to view the mission as a whole, rather than compartmentalizing the work based on working groups. It became "our" work, rather than "your" work and "my" work. It is only through this concept that we have kept pace with a mission that has doubled while the number of personnel in the OSE has decreased.

The Office of State Examiner has continued to explore service opportunities and efficiencies made possible by information technology. Our first major technology upgrade was the development of custom software used in the development of examinations. The initial phase of our Testgen system incorporated exam planning software tied to our job analysis data, and our test item bank comprised of over 10,000 test questions. Each test question was tied to specific job analysis links, thus facilitating the development of examinations. Later phases of the Testgen system are incorporating study guides, and group and individual analyses with our custom exam scoring program. We have continued to build on the success of the Testgen system by incorporating a workflow system that will eventually tie all areas of agency operations

into a central database. The phase currently underway tracks the status of each test request as it progresses through our office, establishing target completion dates to ensure we stay on track and meet our deadlines. This phase also incorporates the grading function. Eventually, all job analysis, classification development, and classified employee data will be fully incorporated.

Our web site provides those served by our office with a source of readily available information that has provided some relief on the burdens of office personnel. Visitors to our web site may obtain information on upcoming examinations, study guides, applications for testing, civil service laws, related fire and police laws, political activity prohibitions, and training materials about the operation of our system. The class plans and board rules for all jurisdictions are listed by jurisdiction, as are appropriate Attorney General Opinions. A fairly recent addition has been an interactive Personnel Action Form with a built in "coaching" function which helps those making personnel movements in our system get it right the first time. This also reduces work for our staff by reducing the number of personnel actions which must be returned for correction.

Each year we track the fire and police related legislation during all regular and any special sessions of the legislature. There are links to the text of the bills, committee assignments, status and schedules. The classified members of the fire and police departments, as well as the chiefs and city administrators, are very active in monitoring and expressing their opinions on legislation which impacts the Fire and Police Civil Service. Links are available to email their legislators, and we have had much favorable comment on this part of the web site.

We just recently added our first training video that is designed as an introduction to the system for new civil service board members. We provide orientation to new civil service boards, but are simply unable to provide the same level of training each time a new civil service board member is added. We conduct periodic seminars throughout the state, but the required preparation time has caused us to limit these events for the last few years in the face of decreasing resources. The introduction of the training videos will allow a cost-effective alternative. Our first video came in significantly under budget, so we are encouraged to begin moving ahead with this format. Our next training video will provide advice to civil service boards on conducting hearings.

Much of the information discussed in this section, including the training video, may be viewed at <http://www.ose.louisiana.gov>. An upgrade to our web site is also planned for this fiscal year.

## **Section Five: Elimination of Duplicative and Unnecessary Services**

We can identify no activities currently performed by the OSE which fall outside of the agency's constitutional and statutory mandates. Similarly, we can identify no outdated activities that should no longer be a part of the mission of our agency. There was a provision in the MFPCS law throughout its history that required the State Examiner to serve as secretary to any civil service board requesting such. We felt that

this was an outdated and unrealistic concept, and this provision was removed from the law a few years ago.

***Duplication and overlap with other state agencies, with the federal government, or with public or private stakeholder groups.***

The Office of State Examiner, the Department of State Civil Service, and the State Police Commission all administer civil service systems for different groups of classified employees. There is actually more similarity between State Police and State Civil Service, than between either of those groups and our office. Both deal with one commission and similar laws. At the time a constitutional amendment was passed to separate State Police from State Civil Service, the main issue was compensation. Had the Department of State Civil Service handled compensation with separate schedules for different groups as they do now, I doubt the change would have taken place.

The two bodies of law which govern the operation of the Office of State Examiner are significantly different than the laws governing the operation of State Civil Service. In the MFPCS system, appointing authorities may appoint, to entry-level classifications, anyone who passes the test with a score of 75% or higher. There is no requirement to hire in score order, a practice which often actually increases adverse impact in the hiring process. The law also requires the OSE to administer tests to all candidates under the same conditions at the same time. In other words, there is no provision for on-going open promotional testing. The test is usually given only once during each 18 month period in each jurisdiction; anyone missing the test must wait until the next administration. Because of the lack of open testing, all promotional tests are administered in the jurisdiction. To require all Fire Drivers or Captains, or all Police Sergeants to go to a regional testing facility would decimate the department should a major emergency response event occur. The local civil service boards are the ones empowered to call for examinations, review examinations should there be a challenge, approve test scores, hear appeals of disciplinary actions, and adopt classification plans. This means that we are dealing with 107 different employers rather than one. A corollary to this is that exams must be custom designed for upper level classes in each jurisdiction in order to be legally defensible from a validation standpoint. Because appointing authorities have the right to assign duties as they see fit and based upon their needs, there is considerable variation between jobs that may be called by the same class title. Each classification description is adopted by the local civil service board based on duties performed in that class in that jurisdiction. There is no way to mandate that all Lieutenants perform the same duties at the same level across the state. This means that tests must be custom designed for each use. Finally, promotions, by law, must be offered to the person on the eligibility list with the greatest total departmental seniority. Much has been said about this promotional scheme not being the most modern. Each time changes are considered, there is considerable outcry from the constituents which eventually defeats the proposed changes.

One could make the argument that some of the larger cities could handle the civil service for their fire and police employees as well since they provide a system for their

other municipal employees. The constitution and statutes currently prevent such consideration. The smaller departments and most fire protection districts would be ill-equipped to assume such a challenge, however, and the primary stakeholders -- the citizens of the State of Louisiana -- would lose as a result.

## **Section Six: Civil Service and Employee Benefits**

### ***Current Initiatives or Ideas Related to Employee Benefits, Hiring, Promotion, and other Employee Regulations***

Small agencies must compete with the larger agencies and departments to recruit and retain qualified personnel. Often candidates and employees are attracted to the larger organizations because there may be a perception of greater advancement opportunities. To this end, the Office of State Examiner makes use of all tools available to us concerning compensation through Civil Service regulations to ensure that we are competitive with other state agencies.

We have tried to create a different kind of work place. This may seem odd in today's world, but our mission means that we demand excellence in terms of job performance. We can do more with fewer people if everyone takes ownership of his work. To this end, we make lifetime hiring decisions. Each hiring decision is someone who could possibly stay 30 years and retire from our office. We also hire for positivity, a trait we value probably more than a college degree. Negative attitudes can be like a cancer on the organization that grows and ferments with time. We cross train and promote from within to create opportunities for our staff.

After hiring the best people we can, we consider all other legal means of keeping them on board. We try to provide a work place that is both challenging and congenial. We also make adjustments on flex time for those who need it to take care of family obligations.

In the spirit of being a family friendly organization, we have policies on vacation that provide an opportunity for *all* employees, not just those who are most senior, to take some time to be with their families during the holidays. We have reduced the amount of sick leave taken by having a policy that only allows a certain number of unplanned absences within a specified period of time before more restrictions are implemented. In some cases a doctor's excuse might be required, while in others future vacation plans might need to be delayed depending on our workload.

Our employee relations philosophy is stated for our employees in our Policies and Procedures document:

The success of the Office of State Examiner depends upon the commitment of each employee to do his or her job with integrity, efficiency, and competency. Regardless of the quality of our performance, however, our success is also dependent upon the quality of our

relationships with the public, the fire and police employees we serve, the legislature, and others in state government. Each employee of the Office of State Examiner is an ambassador for the state and for this office, and has a primary responsibility of promoting good will. In addition to doing the very best job we can, our communications with others should be courteous and respectful. Others notice when we take pride in our work and enjoy doing our very best.

It is the policy of this office that we will treat each other with courtesy and respect. While remaining focused on the overall goals of the agency, supervisors will be sensitive to the individual needs of employees and will encourage each person to reach his or her full potential. Each employee, on the other hand, is expected to work positively and cooperatively in accomplishing the tasks assigned by his/her supervisor. It is our desire to create a working climate that is safe, comfortable, and conducive to producing a high quality and quantity of work. Employees are encouraged to talk with their supervisors about adaptations in the work environment which will reduce stress or repetitive motion injuries. . . . The Office of State Examiner is also committed to respecting the individual needs of its employees to care for their families and to enjoy leisure activities outside of the office environment with friends and family. To this end, employees are encouraged to maintain open communications with their supervisors about their changing needs regarding work schedules and leave.

We will be happy to provide the entire document upon request.

### **Section Seven: Studies and Other Resources**

We have conducted no studies which we believe might be of interest to the Commission.

National organizations which we consider good resources are as follows:

The International Personnel Management Association - <http://www.ipma-hr.org>

The International Personnel Assessment Council - <http://www.ipacweb.org>

### **Section Eight: Agency Best Practices**

One of our best practices was our streamlined test validation process which was discussed under Information Technology Integration. Using this process we are able to initiate a job analysis, analyze the data, develop an exam plan, and construct a content valid examination which meets the documentation requirements of the *Uniform Guidelines on Employee Selection Procedures*. We are able to do this within a 90-day period at a cost of approximately \$3,500.

Another best practice was our seeking first an Executive Order, and later enabling legislation, which allows us to respond to critical needs in the departments served by our office by periodically testing for entrance classes on our own authority rather than only as requested by local civil service boards. Through this process we are able to respond to hiring needs during natural disasters, as well as to expedite the hiring process by shortening the time needed to get names on an eligibility list by 75%.

We view the information on our web site as a best practice by making needed information and training more accessible to administrators, classified employees, civil service boards, and test applicants.

We view our assessment center testing as a progressive approach to assessing the special skills needed at the level of chief and other high profile classes. Through this process we are able to evaluate management ability and communications skills that would not be possible through the use of paper and pencil multiple-choice tests.

Through our hiring and personnel management practices we have successfully changed the internal culture of the office to one where excellence is an expectation and efficiency the norm. We have discovered that the person with a good work ethic and a positive attitude will contribute more to our success than a person lacking those traits but with a high GPA. Soon after we changed our practices to screen for these traits during the selection process, we hired a 30-year old female who was undergoing chemotherapy for breast cancer. She was wearing a wig during her interview, but had the most positive attitude we had encountered. She later said that she could not believe she got the job, and that she almost did not even come for the interview. We explained our theory of making lifetime hiring decisions, and that we would all experience illness at one time or another during our careers. We also explained that we were impressed by her positive spirit and enthusiasm. She has now been cancer free for five years, and has moved from an entry-level professional position to the Assistant Manager in our Testing Division. Her eagerness to learn and her positive attitude have made her both a good leader and a good manager.

Finally, our accessibility and personal approach to serving the people associated with the Municipal Fire and Police Civil Service is the best practice about which we are most proud. The Office of State Examiner handles thousands of calls per year. Anyone calling the OSE has their call answered 95% of the time on the day of their call, and frequently within the hour. Both the State Examiner and the Deputy State Examiner have their home telephone numbers on their business cards in addition to office numbers. This may be unique to state government, but our clients do not work an eight-hour day, and problems and civil service board meetings frequently occur outside of normal working hours. We consider it part of the job.