



SCOTT FITZPATRICK
MISSOURI STATE AUDITOR

April 16, 2024

Tishaura Jones, Mayor
City of St. Louis
1200 Market St.
St. Louis, MO 63103

Dear Mayor Jones:

Thank you for providing the information previously requested by our office. This letter is to acknowledge the receipt of those documents, which were thoroughly reviewed and added to our complaint management system.

Our investigation identified potential instances of noncompliance with the City Charter, ordinance, and Civil Service rules. We would review these potential issues as part an audit initiated by citizen petition or requested by the Board of Aldermen. In the future, we encourage city officials to ensure they follow the City Charter and ordinance, and all applicable rules and regulations for personnel matters. Please see the enclosed Summary Report of the investigation for further detail about our review.

At this time, a determination has been made that this office will take no further action.

If you have any questions or would like to provide further information, I can be reached at 573-751-4213 or mary.johnson@auditor.mo.gov.

Sincerely,

Mary Johnson
Chief of Investigations

Enclosure

cc: Megan Green, President of the Board of Aldermen



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Investigative Summary City of St. Louis Personnel

Summary of Significant Complaint(s) reported:

- The Civil Service Commission made rule changes contradictory to the City Charter that allowed the Mayor to temporarily appoint an Interim Personnel Director. The complainant alleges the Interim Director did not meet the qualifications for this position.
- The Interim Personnel Director inappropriately approved a pay increase for his Secretary.
- The city did not follow the required process for evaluating candidates for the Personnel Director position. The complainant indicated not all requirements of the Civil Service rules were met prior to identifying eligible candidates and appropriate notice was not given to ineligible candidates to allow them to appeal.
- An individual was inappropriately paid at a higher level while serving as the Interim Personnel Director. The complainant indicates this is not provided for in the City Charter.
- A former Police Sergeant was hired as Deputy Director of Public Safety at the request of the Mayor but did not meet the minimum requirements for the position.
- The process for hiring the Police Chief did not follow Civil Services rules and the appointed Police Chief is receiving an additional \$100,000 from the St. Louis Police Foundation.

Background:

The complainant expressed concerns about appointments within the City of St. Louis Departments of Personnel and Public Safety. Both departments experienced turnover in top positions shortly after the current Mayor took office. The following is a timeline of turnover significant to the investigation:

In November 2021, the long-time Personnel Director resigned. The Civil Service Commission appointed an Interim Director who previously served as an HR Manager. She served as Interim Director from approximately December 2021 - February 2022. In February 2022, the Mayor requested the appointment of another individual as Interim Personnel Director until a full-time Director could be found. In April 2022, the Mayor rescinded her original appointment and reappointed the individual as Interim Director. The reason for the reappointment is unclear. Documentation provided and news articles indicate there may have been procedural issues with the original appointment including the existence of a reemployment list which would require the consideration of the former Director for the position. In November 2022, the Mayor appointed a full-time Personnel Director. That person continues to serve in that position.

The Department of Public Safety (DPS) had an Interim Director from 2021 until January 2023. During the Interim DPS Director's tenure, he requested the Executive Assistant II's position be reallocated to a Deputy Director position. In 2021, the former Police Chief/Commissioner¹ announced he would be retiring from the St. Louis Metropolitan Police Department (a department within the DPS) in February 2022. Chief Hayden later extended his retirement date while a new Chief could be found and an interim Chief also served during the selection process. At the time of the original retirement notice the Mayor announced the city would begin the process of finding a new chief. The selection process involved a nationwide search by an outside firm and the eventual hire of the current Police Chief in December 2022.

¹ Both terms are used for the same position.

Complaint Review:

Review of Appointment of Interim Personnel Director

Our review of the Civil Service rules indicates Rules II and VII were revised by the Civil Service Commission in February 2022 and these changes allowed the Mayor to temporarily appoint a Personnel Director. However, it is unclear if the required qualifications for a permanently appointed Personnel Director apply to a temporary appointment.

The complainant indicates the Civil Service Commission voted to change Civil Service Rules II and VII in a manner that contradicts Article XVIII of the City Charter to allow for the hiring of the Interim Personnel Director. The complainant further indicates the Interim Personnel Director was not qualified for the position. To determine the credibility of this complaint we reviewed Civil Service rules, the City Charter, and documents provided related to the Interim Personnel Director's qualifications and appointment.

Civil Service Rule II was amended to specifically allow the Mayor to appoint a temporary Personnel Director in accordance with the amended Civil Service Rule VII without the approval of the Personnel Director. Rule VII was amended to allow for temporary appointments not to exceed 6 months. While the changes allowed the hiring of the Interim Director, they do not conflict with the City Charter. The City Charter allows the Civil Service Commission to make rules related to personnel and Civil Service rules require the Civil Service Commission hold public hearings before passing such rules. The Commission held hearings prior to both rule revisions. As the Interim Personnel Director's position was temporary, the appointment process is not in direct violation of the City Charter but does give the appearance of attempting to circumvent the required process. Also, Civil Service Commission minutes indicate it extended the Interim Personnel Director's term beyond the allowed 6 months because the selection process for the permanent replacement was not complete. The City Charter² allows for an extension no longer than 3 months with the approval of the Personnel Director. The approval in this instance was by the Civil Service Commission which appears appropriate.

Our review of the Interim Personnel Director's resume does not indicate he had any direct human resources or personnel experience, but suggested some executive or managerial experience including leadership and coaching that may have qualified for an interim position. There is also no indication of work in the public/government sector. Article XVIII of the City Charter, states that any person eligible for appointment as director shall have had not less than five years' experience in personnel administration of which two shall have been in public personnel administration. If the Interim Personnel Director's appointment was to a permanent position he would not have met the qualifications for Personnel Director. As the position was temporary, it is unclear if those same requirements apply.

Review of Personnel Department Secretary Pay Increase

Our review of applicable records indicates the raise given to the Secretary of the Personnel Director was in accordance with city ordinance. However, we noted controls were weakened by the Interim Personnel Director's ability to approve a pay increase he initially requested.

The complainant indicates the Interim Personnel Director approved an unlawful increase in pay for his secretary. To determine the credibility of this complaint we reviewed Civil Service rules, pay records, and documents related to the secretary's pay increases. The secretary began serving in that position in March 2022. She previously served a similar role in the department. In July 2022, the Interim Personnel Director requested a retention raise for his secretary that included a move from Grade 14 to Grade 15 on the pay

² Article XVIII, Section 3 (g) of the City Charter

scale and an increase in her salary by 15 percent. The Interim Director explained that his secretary had taken on numerous responsibilities without training and the assigned work was beyond initial expectations; she had been loyal, discrete, and hardworking; and he was concerned she would leave her position. City Code 4.36.050 (A) (1) states an Appointing Authority, along with the Personnel Director, may approve up to a 20 percent pay adjustment when needed to attract experienced, qualified candidates for a position which aligns with the Ordinance. Additionally Section 7(j) of the pay ordinance (Ordinance 71512 for 2022) states "the Personnel Director may approve a within range salary adjustment or other incentives to retain employees in positions that are difficult to fill, or because of their unique requirements. Said adjustment may only be granted once during a twenty-six (26) week period."

Department of Personnel staff questioned the request as the information provided did not support a grade change and if the change was in the step on the pay scale rather than grade it would only result in a 1.5 percent increase. Based on documentation provided, the pay increase was the goal of the request and in August, the Interim Personnel Director approved a step increase from 14 to 24 on the pay scale. While the original request was a 15 percent pay increase, the approved step change resulted in a 16.05 percent change (\$322 instead of \$301 biweekly). The difference may be an attempt to align the raise with the pay schedule of Ordinance 71512. It appears personnel department staff appropriately questioned the Interim Director's request to ensure it agreed with Civil Service procedures. The required approvals of the appointing authority and Personnel Director serves as a control to ensure one individual is not solely allowed to direct raises to personnel. However, the Interim Director's ability to approve a pay raise he requested (as he is also the appointing authority in his department) limits the effectiveness of this control.

Review of Personnel Director Hiring

Based on the documents reviewed, it appears the candidate selected Personnel Director was the top candidate recommended by the Civil Service Commission in accordance with the City Charter. However, the city did not provide sufficient documentation to support that the rules regarding Civil Service testing were met.

The complainant indicated that the Civil Service Commission did not adhere to the rules and regulations pertaining to Civil Service testing as required by the City Charter. Article XVIII, Section 7 of the Code of Ordinances provides the Personnel Director shall be appointed by the mayor from a list of eligible candidates made by the Civil Service Commission. To determine the credibility of the concern we reviewed Civil Service Commission minutes and correspondence related to the hiring process, eligibility lists, the City Charter, and candidate personnel documentation. A review of Civil Service Commission minutes indicates the Commission began the search for a new personnel director as early as January 2022, when it began developing the job description. The Commission worked with an outside firm to review applications and perform initial interviews and testing. The Commission interviewed candidates from July - September 2022 and provided an eligible list to the Mayor on September 8, 2022 with attached resumes. The list did not include score. Rule VI requires the Personnel Director to score the testing and it is reasonable to expect the Civil Service Commission would follow the same protocol for Personnel Director selection.

No other documentation provided included scoring information or demonstrated the city notified the candidates of their scores and opportunity to appeal. A letter provided by the Personnel Director, in response to the investigative letter, indicates she was the only one tested; however, no documentation was provided to support this. Per the Personnel Director, the testing for the position consisted of the interview process which is documented in the Civil Service Commission minutes. Again, the fact that that the only testing done was the interview was not supported by documentation provided. As such, while the Mayor selected a candidate from a list of eligible candidates recommended by the Civil Service Commission as required,

there is no documentation to demonstrate how those candidates were determined and if those not chosen were provided all of the required information³ to appeal.

Interim Personnel Director Pay

Our review did not identify a raise specific to the term the Interim Personnel Director served in that capacity as noted in the complainant's claim. Additionally, such a raise would be unlikely to be inappropriate, as the city pay ordinance allows for pay increases for temporary promotions.

The complainant indicated there was nothing in the City Charter, rules, or ordinance that allowed a raise for a temporary appointment. To determine the credibility of the concern we reviewed Civil Service Commission minutes and pay records. Commission minutes indicated the Interim Director was appointed by the Commission on December 3, 2021. She served in the position until the second Interim Personnel Director was appointed. A review of pay records does not indicate there were any raises or changes in pay grade or step in December 2021. The subsequent Interim Personnel Director did approve a salary adjustment for the previous Interim Personnel Director (now back to her original position as HR Manager) in accordance with Section 7(j) of the compensation ordinance in March 2022 (effective for February 2022). This was a 10.99 percent retention raise and within the Director's authority under that section of the ordinance. Documentation provided does not indicate further reasoning for the raise. However it does not appear the raise was unlawful as Sections 6 and 7 of the pay ordinance include provisions for temporary pay increases when an employee is temporarily appointed. However, the effectiveness of controls in place are weakened if the Interim Personnel Director was again allowed to approve a raise he requested.

Deputy Director of the Department of Public Safety

Our review of provided documentation indicates city processes were followed in eventually appointing the Deputy Director position and nothing submitted supports that the individual filling the position did not meet the necessary qualifications after the position was reallocated. In addition, two Department Directors requested salary adjustments after the individual was appointed indicating some consensus this was warranted.

The complainant indicated a retired Police Sergeant was hired as Deputy Director of Public Safety at the request of the Mayor but did not meet the minimum requirements for the position. Specifically, the complainant alleges the Mayor wished the individual be hired in this position and requested reconsideration of her qualifications after the then Personnel Director denied the request. The complainant alleges that once the Mayor's appointment for Interim Personnel Director was in place, the Interim Personnel Director approved the appointment against the advice of Personnel Department staff. To determine the credibility of the concern we reviewed correspondence related to the hiring process, applicable sections of the City Charter and ordinance, and candidate personnel files.

In 2021, the retired Police Sergeant was appointed to the position Executive Assistant II (Senior Advisor to the Director of Public Safety). She was listed fourth on the Executive Assistant II eligible list of candidates established on June 10, 2021. No justification was provided as to why the first three candidates were not chosen. However, an August 2022 memo from the HR Manager to the Interim Personnel Director indicates this was done after the Mayor originally requested the appointment to Deputy Director. When the former Personnel Director denied this, he suggested the Department could exchange the Deputy position for an Executive Assistant II position and the individual could be appointed to this position.

Documentation indicates the DPS Director later requested the reallocation of the Executive Assistant II position to Deputy Director. The DPS Director completed the necessary paperwork and noted that the duties the Executive Assistant II had performed since her appointment were those of a Deputy Director and the

³ Civil Service Rule VI, Sections 11-13

reallocation was approved in June 2022. Per the August 2022 memo noted above, the Executive Assistant II should have been performing the Deputy's duties as they were assigned to the position upon its creation. The HR Manager recommended the position be declared supernumerary for this reason. It is unlikely this was done as the retired Police Sergeant served as Deputy Director until December 2023 and the position was not reverted back to an Executive Assistant II position. In addition, in August and December 2022, the DPS Director requested salary adjustments for the position. The Personnel Department denied both requests, but a subsequent request for an adjustment by the new DPS Director in March 2023 was approved due to exceptional performance.

While the retired Police Sergeant did eventually serve in the position the Mayor originally requested, her appointment followed a designated process. There is no documentation to support the Mayor exercised undue influence on the process. In addition, it should be noted that news reports indicate the appointed individual resigned her position in December 2023 after a series of tweets that were critical of the Mayor. She also won a judgment against the city in March 2023, stemming from her time as a police officer.

Review of Police Chief Hiring and Salary

Our review found that while the process used to select the Police Chief may have been reasonable, insufficient documentation was provided to support that the outside firm used to select the Police Chief was competitively bid or that the firm followed all city personnel requirements for testing and candidate notification. Additionally, the agreement signed by the Police Chief with the St. Louis Police Foundation does not appear to be a violation of the Missouri Constitution, but could be a violation of city secondary employment requirements and/or pose a conflict of interest.

The complainant indicates the Civil Service hiring requirements were bypassed, in violation of the City Charter, Civil Service Rules, and regulations when the current Police Chief was hired. The complainant indicates after the Mayor was unhappy with the candidates presented from the former Personnel Director's Civil Service process, she initiated a search using an outside firm. The complainant alleges the firm was not selected competitively and the Interim Personnel Director did not follow a legal opinion regarding restarting the hiring process. As a result of the process, the complainant indicates, candidates were referred that did not file applications with the Department of Personnel and were not subsequently posted to the eligible list. The complainant indicates this includes the selected candidate. The complainant also alleges candidates were not notified of their final scores, ranking on the eligible list, and their right to appeal. Finally the complainant notes the hired Police Chief received additional compensation of \$100,000 from the St. Louis Police Foundation in violation of the City Charter and Missouri Constitution. To determine the credibility of the concern we reviewed correspondence related to the hiring process, applicable sections of the City Charter and ordinance, candidate personnel files, relevant news articles, and documentation related to the Police Chief's pay.

If the complainant's facts are accurate, the Interim Personnel Director's referral of Police Chief candidates without appropriate application, testing, and notification would be a violation of Rule VI, Sections 1 and 11.⁴ It was widely reported that the Mayor did not approve of the initial two candidates suggested by the former Personnel Director. The city did use an outside contractor and no documentation provided indicates the firm was selected competitively or the firm's testing and notification procedures followed city rules. Since the firm used was paid for by the Regional Business Council, it is unclear if bidding would be required under city rules but bidding would have helped ensure a transparent contracting process. The only document provided showing the candidates indicates a list of candidates was referred to the Director of the Department

⁴ Rule VI, Section 1 states that no person shall be appointed to a position in classified service, except as otherwise provided by law and these rules. Unless they have filed a completed application form as prescribed by the Personnel Director. Rule VI, Section 11 states that each person competing in any test shall be given written notice of his final earned rating of their standing on the employment or promotional list or failure to attain a place on the eligibility list.

of Public Safety in December 2022 for further certification. The list does not include testing scores or rankings, so it is unclear if the order listed indicates preference. The current Chief is listed last on the listing. However, the candidate selection was heavily publicized and involved town hall meetings and the complainant acknowledges a testing process was included. This appears to be a situation where the Mayor used a different process than is required for other city hires, but that is not necessarily inappropriate given the nature of the position. This process would have been improved by integrating it with city rules.

Upon hire, the Police Chief signed a Memorandum of Understanding with the St. Louis Police Foundation to receive an additional \$100,000 annually in exchange for outreach efforts related to public safety. The St. Louis Police Foundation generally provides monetary support, services and goods to the St. Louis Metropolitan and St. Louis County Police Departments with the majority of funding requests coming directly from police officers in uniform. As this agreement was not between the city and the PC, this would not be a violation of the Missouri Constitution. However this type of arrangement could constitute a conflict of interest and/or conflict with city rules on secondary employment which require such employment be approved and limit when the secondary work is completed. Recent articles indicate the Board of Aldermen is inquiring about the arrangement's legality.

Additional Concerns

After concluding our investigation, three additional complaints were received with concerns of the Director of Personnel violating the City Charter, when hiring or promoting employees. In addition the complainants indicate the Director was not discreet when discussing personnel issues. These concerns parallel those previously investigated, so we will not further investigate the concerns.

Conclusion

In the review of the concerns raised by the complainant, it would appear there is no indication of fraud or corruption. There is nothing in the documentation provided directly indicating the Mayor is circumventing the City Civil Service requirements. However, violations of the City Charter, ordinance, and/or Civil Service rules may have occurred. These would be better reviewed through an audit of the City of St. Louis initiated by petition or request by the Board of Alderman. There is an active petition for an audit of the City of St. Louis being circulated. We will prepare a closing letter indicating the investigation uncovered potential instances of noncompliance, advising the City of St. Louis to follow the City Charter, as well as its own rules and regulations related to personnel matters and would further review any potential compliance issues as part of a future audit of the city if petitioned or requested.