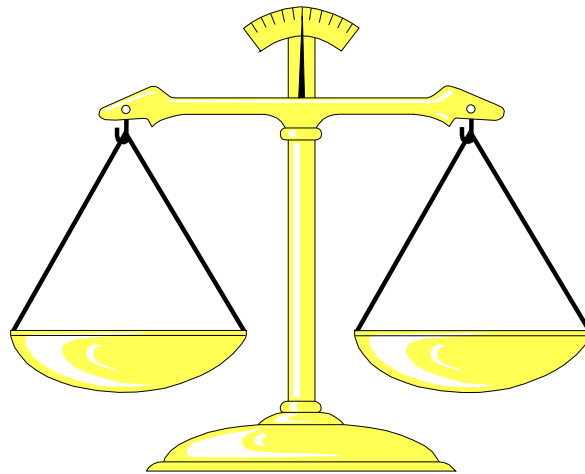


RULES OF THE CIVIL SERVICE COMMISSION

CITY OF NEW ORLEANS



RULE CHANGES IN 1997

Rule VIII, Section 4	Civil Leave	amended March 24, 1997
Rule I, No. 19	Consecutive Service	amended April 24, 1997
Rule II, Section 7	Special Counsel & Other Professional Services	amended April 24, 1997
Rule V, Section 9	Substance Abuse Testing	amended June 2, 1997
Rule III, Section 8	Transfer of a Functional Unit	amended June 26, 1997
Rule I, No. 33	Immediate Family	amended November 20, 1997
Rule VIII, Section 10	Family Medical Leave	amended November 20, 1997
Rule V, Section 9.15	Substance Abuse Testing	amended November 20, 1997

NO RULE CHANGES IN 1998

RULE CHANGES IN 1999

Rule V, Section 9.13	Substance Abuse Testing	amended February 25, 1999
Rule I, No. 4	Annual Rate	amended March 4, 1999
Rule I, No. 42	Monthly Rate	amended March 4, 1999
Rule I, No. 60	Regular Hourly Base Rate	amended March 4, 1999
Rule IV, Section 1.3 (a-c)	The Pay Plan	amended March 4, 1999
Rule IV, Section 1.5	The Pay Plan	amended March 4, 1999
Rule IV, Section 1.6 (a-d)	The Pay Plan	amended March 4, 1999
Rule IV, Section 4.1	Pay Rates of Casual Laborers and Temporary Workers	amended March 4, 1999
Rule IV, Section 8 (a-g)	Longevity Pay Increases	amended March 4, 1999
Rule I, No. 35	Job Series	amended April 29, 1999
Rule III, Section 1.2	Creating Classes and Allocating Positions	amended April 29, 1999
Rule III, Section 5.3	Dual Assignments	amended April 29, 1999
Rule V, Section 5.5	Establishment of Promotion Lists and Employment Lists	amended April 29, 1999
Rule VI, Section 4.8 (a)	Reinstatement and Reemployment	amended April 29, 1999
Rule XII, Section 1.1	Layoffs Administration	amended April 29, 1999
Rule IV, Section 2.3	Pay Increases	amended December 16, 1999

RULE CHANGES IN 2000

Rule IV, Section 12	Incentive pay	amended September 21, 2000, adopted by Council October 5, 2000
Rule VIII, Section 2.1(d)1,3,4	Sick Leave	amended October 27, 2000
Rule IX, Section 1.4	Maintaining Standards of Service	amended December 14, 2000
Rule II, Section 11.5	Compliance with Orders	amended December 14, 2000

RULE CHANGES IN 2001

Rule III, Section 6	Contracts	amended January 25, 2001
Rule II, Section 6.1 & 6.2	Summary Disposition of Appeal	amended January 25, 2001
Rule I, Number 52	Privatize, Privatization	amended March 22, 2001
Rule V, Section 5	Establishment of Promotional Lists and Employment Lists	amended July 25, 2001
Rule II, Section 13	Selection of Special counsel and and Hearing	adopted September 17, 2001
Rule V, Section 8	Non-Competitive Examinations	amended September 17, 2001
Rule VIII, Section 1.1	Annual Leave	amended December 13, 2001
Rule VIII, Section 10.1	Family Medical Leave	amended December 13, 2001

RULE CHANGES IN 2002

Rule IX, Section 1.4	Maintaining Standards of Service	adopted November 13, 2002
Rule IV, Section 1.3(a)	Pay Plan	adopted December 16, 2002 approved by Council June 5, 2003
Rule IV, Section 9.2(a)	Pay Plan	adopted December 16, 2002, approved by Council June 5, 2003, effective July 13, 2002

RULE CHANGES IN 2003

Rule IV, Section 8.1	Longevity Pay Increases	amended December 13, 2001 approved by Council February 6, 2003, effective January 1, 2002
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RULE CHANGES IN 2004

Rule I, #25, #58	Definition of "Director" and "Record"	amended December 13, 2004
Rule VIII, Sections 1, 2 and 3	Annual and Other Forms of Leave	amended December 13, 2004
Rule VIII, Section 10	Family Medical Leave	amended December 13, 2004
Rule X	Records Rule	amended December 13, 2004
Rule XIII	Veterans Preference	amended December 13, 2004

RULE CHANGES IN 2005

Rule II, Section 2.3	Emergency Rules	amended September 29, 2005 effective retroactive to August 29, 2005
Rule I, #20	Definition of "Consecutive Service"	amended and effective November 14, 2005
Rule II, Section 12.6	Administration of the Employee-Member Election	amended November 14, 2005
Rule XII, Section 6	Preferred Reemployment Benefits	amended and effective December 12, 2005
Rule VI, Section 4.1	Reemployment and Reinstatement	amended and effective December 12, 2005

RULE CHANGES IN 2006

Rule II, Section 4.21	Attorneys' Fees	amended May 15, 2006
Rule IV, Section 11	Emergency Rate of Pay	amended May 15, 2006, adopted by the Council May 25, 2006, effective June 1, 2006
Rule VI, Section 4.9	Reinstatement and Reemployment	amended and effective June 19, 2006
Rule II, Section 13	Selection of Professional Service Contractors	amended July 17, 2006
Rule VIII, Section 1.3	Annual Leave Carried Forward	amended and effective November 20, 2006
Rule V, Section 8.1	Non-competitive Exams	amended December 18, 2006

RULE CHANGES IN 2007

Rule V, Section 9	Substance Abuse Testing	amended and effective February 28, 2007
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RULES OF THE
CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS

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CITY CIVIL SERVICE RULES

(as adopted December 9, 1953, and adopted and amended July 22, 1975 effective August 1, 1975, and in accordance with Article X of the Louisiana State Constitution of 1974)

RULE I

DEFINITIONS

(amended May 8, 1958, September 24, 1979, November 8, 1979, November 16, 1979, August 28, 1980, March 12, 1981, October 26, 1982, April 19, 1983, July 12, 1984, September 13, 1984, October 23, 1985, February 13, 1986, January 21, 1988, May 19, 1988, August 24, 1989, amended September 27, 1990, amended October 25, 1990, City Council approved December 6, 1990, April 20, 1995, April 24, 1997, November 20, 1997, March 4, 1999, April 29, 1999, amended December 13, 2004, effective January 1, 2005, amended November 14, 2005, effective November 14, 2005)

Section 1. The following words and phrases, when used in these Rules, shall have the following meaning:

1. "Accumulated Annual Leave": annual leave earned and not used.
2. "Advance in Rate of Pay": a salary increase given to an employee for a reason other than a change in the classification of the employee's position or a change in the established pay grade of the employee's class of positions. (amended September 27, 1990)
3. "Allocation": the official determination of the class to which a position in the classified service belongs.
4. "Annual Rate": the amount established exclusively by the Civil Service Commission as enumerated in the pay grade table of the classified pay plan which represents salary or wages earned by or paid to any employee by reason of services rendered in any position. (adopted March 4, 1999, effective March 28, 1999)
5. "Appointing Authority": any officer, board, agency, commission, or person having the power to make appointments to positions in the city service.
6. "Appointment": the designation of a person, by due authority, to become an employee in a position, and his induction into employment in the position.
7. "Appropriate Employment List": the list established for a particular class of position or, in the absence of such a list, another list of names of persons who, because they meet certain required standards or possess certain minimum qualifications, are deemed by the Director

(RULE I)

to be eligible for appointment to a position in a class other than the class for they which they were examined or in which they have permanent status.

8. "Average Service Rating": the simple arithmetic mean of the average scores (the actual numerical values) given on the employee service rating forms. (amended November 16, 1979)
9. "Band": a series of test scores, defined by a high score and a low score, which, based upon the psychometric properties of the total distribution of test scores, may be interpreted as indicative of a given level of knowledge, skill or ability for a job class. (adopted October 26, 1982, effective October 26, 1982)
10. "Base Rate": that amount established exclusively by the Civil Service Commission as enumerated in the pay range table of the classified pay plan which represents salary or wages earned by or paid to any employee by reason of services rendered in any position, exclusive of all overtime payment, shift differential pay, special rates of pay and temporary pay increases earned in accordance with these rules.
11. "Bonus Sick Day(s), Bonus Vacation Day(s)": sick or vacation leave days that are in addition to employees' normal accrual. These are measured and used in the manner described in the definition for "leave days" (amended April 20, 1995).
12. "Certification ": official notice to an appointing authority, by the Department, of a list of names of persons from an appropriate employment list, who are eligible to be considered for appointment to a position in the classified service.
13. "Certification after Probation": official notice by an appointing authority that an employee has satisfactorily completed his working test period.
14. "City Service" or "Civil Service of the City": all offices and positions of trust or employment with the city, any department, agency, board or commission thereof, or corporation organized for public purposes, including persons employed by city or joint federal and city agencies administering city and federal relief and other funds, other than the military and naval service, irrespective of whether the pay for the offices and positions of trust or employment be paid out of the city treasury either in whole or in part, except those excepted by the provision of Article X of the Constitution of Louisiana.
15. "Class" or "Class of Positions": a definitely recognized kind of employment in the classified service, designed to embrace positions that are so nearly alike in the essential character of their duties, responsibilities, and consequent qualification requirements, that they can fairly and equitably be treated alike under like conditions for all personnel purposes.
16. "Classification Plan": all the classes of positions established for the classified service.

(RULE I)

17. "Classified Service": all offices and positions of trust or employment in the city service, except those placed in the unclassified service by Section 2 of Article X of the Constitution of Louisiana.
18. "Commission": the City Civil Service Commission.
19. "Competitive Position": any position in the classified service that is subject to the requirements relating to appointment on the basis of competitive tests of fitness, and applies to every position in the classified service that is not expressly excepted or included among the positions in the unclassified service.
20. "Consecutive Service": continuous performance of official duties under current employment in the classified service for an uninterrupted period of time. In cases where an employee has been separated under the provisions of Rule IX because of inability to work due to an on-the-job injury, or as the result of a layoff under the provisions of Rule XII, the employee, upon reinstatement, shall retain his/her original consecutive service date. However, consecutive service is broken by an employee's dismissal, resignation, or retirement, except when an employee enters a Deferred Retirement Option Plan (DROP) or retires due to layoff. (adopted August 28, 1980, amended January 21, 1988, effective February 1, 1988, amended April 24, 1997, amended and effective November 14, 2005)
21. "Continuous Examination": an examination for which no final filing date has been set, which will be given on more than one date, and from which the resulting employment list is an open list.
22. "Demotion": a change of an employee in the classified service from a position in one class to a position in another class for which a lower pay grade is provided in the pay plan. (amended July 12, 1984, effective August 1, 1984, amended September 27, 1990)
23. "Department": the Department of City Civil Service, including both the Commission and the Director.
24. "Departmental Certification": certification from a promotional register of a list of persons who already have permanent status in a lower class of positions in the same department.
25. "Director": shall mean the Personnel Director as provided for in Article X of the Louisiana State Constitution. (amended December 13, effective January 1, 2005)
26. "Division": any major section or officially designed component or part of an organization unit of city government. (amended November 8, 1979)
27. "Dual Assignment": The assignment on an occasional basis of additional duties and responsibilities ordinarily not embraced by the employee's classification, but comprising such different and distinct characteristics that the employee discernibly functions in another classification of work. (adopted July 12, 1984, effective August 1, 1984)
28. "Eligible": a person whose name is on a list.

(RULE I)

29. "Employee": a person legally occupying a position.
30. "Employment List": an original entrance employment list, a promotion employment list, or a reemployment list.
31. "Entrance Examination": an examination for positions in a particular class, admission to which is not limited to persons employed in the city service.
32. "Examination": the entire qualifying procedure through which an applicant for a classified position must go in his attempt to gain a place on an employment list.
33. "Functional Unit": any officially designated subsection of a division which is contained in an organization unit of city government. (adopted November 8, 1979)
34. "Immediate Family": an employee's father or mother, wife or husband, son or daughter, brother or sister, and if living under the same roof with the employee, other relatives or relatives by marriage or a domestic partner who is registered with the Clerk of Council in accordance with Chapter 87, Section 87-5 of the City Code. (amended November 20, 1997, effective December 1, 1997)
35. "Job Series": a series of classes or a group of positions which have a close occupational relationship and provide a natural career progression. (amended April 29, 1999)
36. "Lateral Classification Change": the change of an employee from a position in one classification to one in another classification at the same pay grade for which the employee is qualified. (amended April 20, 1995)
37. "Law": Article X of the Constitution of Louisiana, and R.S. 33:2391 et seq., when same is not in conflict with the Constitution, and the Rules adopted pursuant to Article X of the Constitution, shall be known as the Law.
38. "Layoff": the termination of an employee because of lack of work or financial appropriation, abolition of position, or any other cause which is not of a disciplinary nature and does not warrant an appeal. (amended May 19, 1988, effective June 1, 1988)
39. "Leave Day(s)": a period of time equivalent to an employee's regularly scheduled working day.
 - For employees whose work week is thirty-five (35) hours, "leave day" is defined as seven (7) hours.
 - For employees whose work week is forty (40) hours, "leave day" is defined as eight (8) hours.
 - For non-exempt law enforcement personnel, "leave day" is defined as eight (8) hours and thirty-three (33) minutes.
 - For Fire Department employees on a "24 hour on - 48 hour off" work schedule, "leave day" is defined as twelve (12) hours. (amended April 20, 1995)

(RULE I)

40. "Leave Year": a continuous period of twelve calendar months beginning on January 1 of any year.
41. "List": an employment list, an original entrance employment list, a promotion employment list, or a reemployment list.
42. "Monthly Rate": the amount established by taking the annual rate and dividing by 12. (adopted March 4, 1999, effective March 28, 1999)
43. "Open List": a list to which eligibles may be added from time to time through the continuous examination procedure.
44. "Organization Unit": any agency, board, commission or department of city government that is designated by rule or regulation as a complete governmental unit for purposes of administration of this Law. (amended November 8, 1979)
45. "Original Entrance Employment List": an employment list for a class resulting from tests of fitness open to all applicants who meet the prescribed requirements for admission to the tests, regardless of prior employment in the classified service.
46. "Pay": salary, wages, fees, allowances, and all other forms of valuable consideration, or the amount of any one or more of these, earned by or paid to any employee by reason of services rendered in any position; does not include allowances for expenses authorized and incurred as incidents to employment.
47. "Pay Plan": all the scales of rates of pay prescribed under provisions of the Law for classes of positions in the classified service.
48. "Pay Status" of an employee: his presence for work or absence on authorized leave with pay during and throughout each working day in a specified period.
49. "Personnel Form, Personnel Document, Payroll Document": the forms or documents, paper or electronic, designated by the Personnel Director for use in effecting personnel or payroll changes. (amended April 20, 1995)
50. "Position": any office or any employment, in the service of the city, or two or more of them, the duties of which call for services to be rendered by one person, including positions jointly employed by federal and City agencies administering federal and City relief funds.
51. "Preferred Reemployment": a special case of reemployment which provides the employee with unique rights and is available only to employees who have been laid off. (amended April 20, 1995)
52. "Privatize", "Privatization": The performance by private enterprise or other public, private or non-profit entities of a function or service which has been, or could be, provided by employees in the classified service. (amended March 22, 2001, effective April 1, 2001)

(RULE I)

53. "Promotion": a change of an employee in the classified service from a position in one class to a position in another class for which a higher pay grade is provided in the pay plan. (amended July 12, 1984, effective August 1, 1984, amended September 27, 1990)
54. "Promotion Employment List" or "Promotion List": an employment list for a class resulting from tests of fitness limited to applicants who are employees of lower classes in the classified service.
55. "Promotional Examination": an examination for positions in a particular class, admission to which is limited to qualified applicants who possess permanent or probationary status in a classification with a lower pay grade. Probationary appointments to classifications having the same pay grade and temporary appointments to higher classifications which do not void the employee's permanent or probationary status shall not disqualify applicants who are otherwise qualified. (amended September 13, 1984, effective October 1, 1984, amended September 27, 1990)
56. "Public Hearing": a hearing held after written public notice has been posted at the principal office of the Civil Service Commission not less than twenty-four (24) hours before the meeting, at which any person may have a reasonable opportunity to be heard, in accordance with rules and regulations adopted by the Commission. (amended September 24, 1979)
57. "Public Notice": shall consist of the posting of a notice of intention on the part of the Commission or Department to take certain action. This notice shall be posted on a bulletin board located at the offices of the Department or published in the official journal of the City.
58. "Record": Any form, record, document or similar conveyance in physical or electronic form. (amended December 13, 2004, effective January 1, 2005)
59. "Reemployment": the reappointment, via a reemployment list, of a former regular employee who was separated for reasons other than fault or delinquency, to a position in the class from which he or she was separated. Also, the reappointment of a present employee who had been demoted. (amended April 20, 1995)
60. "Reemployment List": an employment list for a class consisting of a list of names of persons who have previously occupied positions allocated to the class, and who have been found to be entitled to certification for reappointment to positions of the class.
61. "Regular Employee": an employee who has been appointed to a position in the classified service in accordance with the Law and these Rules and who has completed the working test period.
62. "Regular Hourly Base Rate": a gradient mode of salary converted from any of the uniform annual salary steps established exclusively by the City Civil Service Commission as enumerated in the salary table of the Classified Pay Plan. (adopted April 19, 1983, amended March 4, 1999, effective March 28, 1999)

(RULE I)

63. "Regulation": a definition, policy, or mode of procedure, consistent with the Rules, formally prescribed in writing by the Director to govern the manner of giving effect to a part of Section 10, Article X of the Constitution of Louisiana and these Rules.
64. "Re-Hire": the employment of a former employee who has no rights beyond those of a new employee, but for whom personnel records may exist. (amended April 20, 1995)
65. "Reinstatement": the reappointment of a former working test or regular employee who was separated from his or her position for reasons other than fault or delinquency. Reinstatement is made to a position in the same class, with the same department, as that vacated by the employee. (amended April 20, 1995)
66. "Selective Certification": certification to an appointing authority by the Department of a list of names of persons who have been specifically selected from an appropriate employment list because of their possession of certain necessary and specified qualifications.
67. "Sick Leave": absence from duty because of the employee's (1) illness or injury, or (2) quarantine by health authorities. Sick leave shall also be granted for absence because of death in the immediate family of the employee (see definition for "immediate family"). (amended April 20, 1995)
68. "Sick Leave with Pay": (a) payment on account of sickness or accident disability (including quarantine by health officials and absence before or after childbirth due to medical reasons); or (b) payment for time absent due to death in immediate family. (adopted December 28, 1978)
69. "Special Hourly Base Rate": a gradient mode of salary which is determined by combining the supplemental pay established by the state legislature with city millage distribution dedicated for increasing the pay of police and fire personnel, converting that sum to an hourly rate, which is then added to the regular hourly base rate. (adopted April 19, 1983, amended October 23, 1985, effective April 13, 1986)
70. "Substance Abuse Testing": an appropriate screening procedure to test for the presence of any substance, medication or drug that, when taken or used alone or in combination with some other substance or drug, will modify one or more of the normal sensory or motor body functions (i.e., coordination, reflexes, vision, etc.) in an individual. This includes alcohol; any and all forms of narcotics, depressants, stimulants or hallucinogens whose sale is restricted or controlled by law, as well as prescription medication legally obtainable in Louisiana, but which nevertheless has been obtained or used illegally. (adopted August 24, 1989, effective September 1, 1989)
71. "Temporary Appointment": an appointment for a limited period of service without acquisition by the appointee of any continuing right to be retained as an employee beyond that period.

(RULE I)

72. "Termination of Service": Separation of an employee from his position by reason of death, resignation, layoff, dismissal, expiration of his term of appointment, or failure to return after the expiration of a period of authorized leave.
73. "Test": a specific phase of the examination process, such as a written test, performance test, oral interview, experience rating, etc.
74. "Transfer": the change of an employee from a position in one organization unit to a position in another organization unit in the same classification; see also "Lateral Classification Change". (amended April 20, 1995)
75. "Unassembled Examination": an examination or test for which candidates are not all assembled in the same place at the same time.
76. "Voluntary Demotion": a change made with the employee's consent to a classification at a lower pay grade. (April 20, 1995)
77. "Working Test Period Employee": an employee who has been appointed to a position from an employment list, but who has not completed the working test period. The terms "probation period" and "probational employee" shall be considered identical with "working test period" and "working test employee".

RULE II

ORGANIZATION, RULES, AND PROCEDURES OF COMMISSION

(as adopted December 9, 1953 and amended May 19, 1954, January 9, 1957, June 12, 1957, July 6, 1972, January 11, 1973, February 27, 1974, January 30, 1975, July 22, 1975, March 13, 1980, November 13, 1980, June 10, 1982, July 8, 1982, October 15, 1982, October 26, 1982, August 25, 1983, September 8, 1983, October 19, 1983, November 10, 1983, December 15, 1983, December 11, 1986, January 21, 1988, May 19, 1988, August 18, 1994, June 19, 1995, August 22, 1996, November 21, 1996, April 24, 1997, December 14, 2000, January 25, 2001, adopted September 17, 2001, amended September 29, 2005, amended November 14, 2005, amended May 15, 2006, amended July 17, 2006)

Section 1. ORGANIZATION OF THE COMMISSION

- 1.1 The domicile of the Commission shall be within the City of New Orleans. The Commission shall be composed of five members, all of whom are electors of the City, three of whom shall constitute a quorum for the transaction of business and appeals. The findings of a majority of such quorum shall control. (amended January 21, 1988, effective February 1, 1988)
- 1.2 Members of the commission shall serve overlapping terms of six years as hereinafter provided. Each Commissioner shall serve until his successor is appointed. (amended January 21, 1988, effective February 1, 1988)
- 1.3 The presidents of Dillard University, Loyola University, Tulane University and Xavier University in New Orleans, after giving consideration to representation of all groups, each shall nominate three persons. The municipal governing authority shall appoint one member of the Commission from the three persons nominated by each University. As provided in Section 12 of this Rule, the municipal governing authority shall appoint an employee-nominee to the remaining position on the Commission. (adopted January 21, 1988, effective February 1, 1988)
- 1.4 Vacancies in any of the four University-nominated appointments shall be filled in accordance with procedures for the original appointments and from the same source. Within thirty days after a vacancy occurs, the University president concerned shall submit the required nomination. Within thirty days thereafter, the municipal governing authority shall make the appointment. If the municipal governing authority fails to appoint within the thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the Commission. (adopted January 21, 1988, effective February 1, 1988)

(RULE II)

- 1.5 Each of the four University-nominated Commission members shall be paid fifty dollars for each day of actual attendance at a meeting of the Commission, not to exceed four thousand dollars for any member in any year, and shall be reimbursed for actual travel expenses authorized by the Commission. (amended January 21, 1988, effective February 1, 1988)
- 1.6 Election of a Chairman: The Commission shall, at the regular meeting in September of each year, elect one of its members Chairman for a term of one year, or until a successor is duly elected. If because of death, resignation or otherwise, the office of Chairman is vacated before the expiration of the term of office, the Commission shall elect a successor at its next regular meeting. (amended January 1, 1988, effective February 1, 1988)
- 1.7 Rules of Order: The Commission shall not be bound by any rules of order, evidence or procedure in its meetings, hearings or investigations, except such as it may itself establish. (amended January 21, 1988, effective February 1, 1988)
- 1.8 The Personnel Director, acting as Secretary to the Commission, shall keep adequate records and minutes of its business and official actions. (amended January 21, 1988, effective February 1, 1988)

Section 2. RULES

- 2.1 Adoption or amendment: These rules shall be adopted or amended by the Commission only after public hearing.
- 2.2 Effective date of amendments: An amendment to the rules shall become effective on the first day of the month following the date of adoption by the Commission, unless otherwise specifically provided.
- 2.3 Upon the proclamation of a state of emergency by the Governor of the State of Louisiana or the Mayor of the City of New Orleans in accordance with law, the Commission or the Chairman of the Commission acting alone if the Chairman is unable to convene a meeting of a quorum of the Commission after diligent effort, may adopt such rules as it or the Chairman may deem necessary, or as may be requested by the Mayor as necessary, for the preservation of the public fisc and may, by Order directed to the Personnel Director, empower the Personnel Director to adopt interim emergency administrative rules and procedures consistent with these Rules, as amended, provided that all actions taken by the Director pursuant hereto shall be ratified by the Commission as soon as practicable at any regular or special subsequent meeting thereof. The provisions of this rule shall be retroactive to August 29, 2005. (amended September 29, 2005, effective August 29, 2005)

Section 3. MEETINGS

- 3.1 At least one regular meeting of the Commission shall be held in each month except in the months of July and August. (amended January 21, 1988, effective February 1, 1988)

(RULE II)

- 3.2 Special meetings may be held at times and places specified by call of the Chairman, or of any three members of the Commission.
- 3.3 Notice of the time and place of all regular meetings shall be given in writing to each member of the Commission by the Personnel Director. (amended January 21, 1988, effective February 1, 1988)
- 3.4 Meetings of the Commission shall be open to the public.
- 3.5 Unless otherwise specified by the Commission, meeting of the Commission shall be held at its offices in space provided for it by the proper city officials, and the Commission shall maintain its records at that office.
- 3.6 Unless otherwise specified by the Commission, no weapons shall be allowed at any Commission meeting or employee appeal hearing. Weapons of any kind must be relinquished to the custody of the Personnel Director or his representative. (adopted January 21, 1988, effective February 1, 1988)

Section 4. APPEALS

- 4.1 Regular employees in the classified service shall have the right to appeal disciplinary actions to the Commission, including dismissal, involuntary retirement, demotion, suspension, fine or reduction in pay. However, a demotion, reinstatement to a lower classification, transfer, reduction in pay or layoff resulting from the application of the provisions of Rule XII governing layoffs shall not be considered a disciplinary action and thus shall not warrant an appeal except as provided in Sections 4.5 and 9.1 of Rule II. (amended June 10, 1982; May 19, 1988, effective June 1, 1988)
- 4.2 Persons appealing to the Commission shall do so in writing. (amended June 10, 1982)
- 4.3 Appeals to the Commission must be actually received in the Department of Civil Service no later than the close of business on the thirtieth (30th) calendar day following the date of the disciplinary letter provided to the employee by the Appointing Authority. Should the thirtieth (30th) calendar day fall on a weekend or an official city holiday, written appeals will be accepted no later than the close of business on the work day immediately following. The date the appeal is date/time stamped in the Civil Service Office shall be presumed to be the date of receipt of an appeal. (amended June 10, 1982; August 25, 1983; January 21, 1988, effective February 1, 1988)
- 4.4 The burden of proof on appeal, as to the facts, shall be on the appointing authority, except as provided in Section 4.8 of this Rule. (amended June 10, 1982)
- 4.5 Employees in the classified service who allege that they have been discriminated against because of their political or religious beliefs, sex, race, age, disability or sexual orientation shall have the right to appeal to the Commission. (amended June 10, 1982; July 8, 1982, effective July 8, 1982, amended January 23, 1992)

(RULE II)

- 4.6 Persons who shall have applied for or shall have been examined for the classified service and shall not have established their status as permanent classified employees and who allege that they have been discriminated against because of their political or religious beliefs, sex, race, age, disability or sexual orientation in review of their applications, admission to the examination, the scoring of examinations, the establishment of eligible lists or certification shall have the right to appeal to the Commission.
- 4.7 Persons alleging discrimination under Sections 4.5 and 4.6 of this Rule shall file an appeal with the Civil Service Commission within thirty (30) calendar days of the alleged discriminatory act. This appeal shall contain the following information:
- (a) The type of alleged discrimination.
 - (b) The name(s) of the person(s) alleged to have committed the discriminatory act(s).
 - (c) The date(s) of such act(s).
 - (d) Where and in what manner such act(s) occurred. (amended June 10, 1982)
- 4.8 In all cases of alleged discrimination, the burden of proof on appeal, as to the facts, shall be on the appellant. (amended June 10, 1982)
- 4.9 Parties shall have the right, but shall not be required, to be represented by counsel. Any such counsel must be admitted to practice before the Supreme Court of the State of Louisiana. However, students eligible under the provision of Rule XX of the Rules of the Louisiana Supreme Court are also eligible to practice before the Commission. (adopted January 9, 1957, amended and effective June 10, 1982, amended and effective November 10, 1983.
- 4.10 Six legible copies of any petitions, writs, briefs, or other documents other than the initial appeal submitted by either party or requested by the Commission shall be submitted.
- 4.11 (a) In response to disciplinary actions involving ten (10) days or less of lost pay, the employee may choose to use the Alternative Dispute Resolution (ADR) process set forth in Section 5 of this Rule. Election to proceed with ADR is voluntary and may be rejected by either party. Once accepted, the choice is final and no further appeal is allowed.

(RULE II)

- (b) For suspensions or fines in excess of ten (10) working days, dismissals, demotions and involuntary retirements, any resulting appeal will be assigned to a hearing examiner. The hearing examiner shall be a licensed attorney who will conduct a formal hearing in accordance with the Code of Civil Procedure. The hearing examiner is empowered to administer oaths, rule on the admissibility of testimony and evidence and supplement the record with pertinent questions. The hearing examiner will prepare a report of the proceedings for the Commission within fifteen (15) working days after the completion of the hearing; the report may include reference to the relative weight or credibility of testimony and evidence, as well as other observations relevant to the legal strength of either party's arguments (adopted November 21, 1996, effective November 21, 1996).
- 4.12 The Commission shall initiate a hearing of the appeal within forty-five (45) calendar days after receipt of the request and shall have the right to continue the hearing from time to time for good cause. When the continuation of a hearing is granted at the request of an appellant, it shall be deemed to be a waiver of back pay for the period of time occasioned by the delay, unless the Commission shall rule otherwise. (amended June 10, 1982)
- 4.13 Dismissal for Non-appearance at Hearing of Appeal (adopted October 18, 1983, effective October 18, 1983)
- (a) If neither the appointing authority nor his counsel appears at the place and time fixed for a hearing in which a disciplinary action is at issue, without having been granted a continuance, the Commission may order the disciplinary action reversed.
 - (b) If neither the appellant nor his counsel appears at the place and time fixed for a hearing, without having been granted a continuance, the Commission may order the appeal dismissed.
 - (c) If either the appellee or the appellant fails to appear at the place and time fixed for a hearing, but counsel for the absent party is present, the absent party shall be deemed to have waived his appearance and the hearing shall proceed and testimony may be taken in the absence of the party with the same effect as if the party were present.
 - (d) Nothing in this Rule shall prevent the Commission or a Hearing Examiner from continuing the appeal if it or he learns the reason for the absence of the party and his attorney and determines that it was justifiable under the circumstances. (Parts (a) - (d) adopted October 18, 1983, effective October 18, 1983.

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- 4.14 An official transcript of employee appeal hearings shall be made by the Court Reporter appointed by the Civil Service Commission and only this transcript, its accompanying exhibits and the hearing examiner's report shall constitute the complete and official record of said hearings. (adopted March 13, 1980; amended June 10, 1982, adopted December 17, 1992, effective December 31, 1992.

However, the hearing examiner's report shall be furnished to the parties only after the Commission renders its decision in the matter. No briefs from the parties will be filed (accepted) after the expiration of twenty days following the submission of the matter for adjudication by the Commission. (adopted June 19, 1995)

- 4.15 Audio recordation of appeal hearings before the Commission or its Hearing Examiners, other than by the Court Reporter, shall be allowed only for the purpose of private reference as provided by the Canon of Judicial Ethics, and only in those instances where all parties involved have agreed to the taping. No private tape recording may be released for publication or played publicly prior to completion of all hearings and subsequent appeals, if any, in the case, subject to appropriate penalties in law. No other audio recordation and no video recordation shall be allowed. (adopted March 13, 1980; amended April 10, 1980, June 10, 1982)

- 4.16 In rendering a decision on any appeal, the Commission in its discretion may modify the disciplinary action of the appointing authority. Such action may include reducing the penalty of a dismissal to that of a suspension for a period in excess of one hundred twenty (120) calendar days. (adopted June 10, 1982)

- 4.17 Appeals to the Commission shall be decided promptly but in any event within ninety (90) calendar days after completion of a hearing except when counsel is allowed time to submit memoranda and/or briefs, in which event the ninety (90) calendar day period shall start running upon expiration of the time given by the Commission for submission to it of the briefs, memoranda or reports requested by the Commission. In the event the hearing has been held before a Hearing Officer or Referee appointed by the Commission, the ninety (90) day period shall begin to run upon receipt by the Commission of the Hearing Officer's Report and official transcript of the testimony of said hearing. (amended June 10, 1982)

In the event counsel requests the opportunity to review the transcript of the hearing in order to file memoranda and/or briefs, the ninety (90) day period shall begin to run upon expiration of the time allowed by the Commission for submission of said documents. The Commission in its discretion may require the waiver of back pay during the time necessary to file memoranda and/or briefs. (adopted November 13, 1980)

In the event of a remand by the Commission to the Hearing Examiner or Referee appointed by the Commission, the ninety (90) day period shall be considered to have been interrupted. (amended February 27, 1974)

- 4.18 All decisions of the Civil Service Commission will be considered final on the date of issuance except as provided in Section 4.19. If a re-hearing is granted, the Rules of the Commission regarding time limitations as set forth in Sections 4.12 and 4.17 of this rule

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shall apply. (adopted October 26, 1982; amended January 21, 1988, effective February 1, 1988)

- 4.19 The Commission shall receive and consider any application for re-hearing filed within ten (10) calendar days of the issuance of the decision by the Civil Service Commission. In such cases, the decision will be considered final on the date of notification of the disposition of the request for re-hearing. (amended January 21, 1988, effective February 1, 1988)
- 4.20 Decisions of the Civil Service Commission may be appealed to the Court of Appeal, 4th Circuit. Such appeals must be filed with the Personnel Director within thirty (30) calendar days of the date that the decision becomes final. (adopted January 21, 1988, effective February 1, 1988)
- 4.21 Attorneys' Fees (adopted May 15, 2006, effective June 1, 2006)
 - (a) When the Commission renders a decision it may order either party to pay attorney's fees in an amount not to exceed \$1,500 if the disciplinary action or the appeal was frivolous or malicious.
 - (b) The hearing examiner may allow such evidence and argument in support of the request for attorney's fees as is deemed appropriate considering the status of the appeal at the time the request for attorney's fees is filed. Any request for attorney's fees must be filed in writing with the Commission prior to the final disposition of the appeal.

(Section 4 amended January 9, 1957, July 6, 1972, February 27, 1974, March 13, 1980, April 10, 1980, November 13, 1980, Sections 4.1 - 4.10, 4.12 and 4.14 - 4.17 amended on June 10, 1982 with additional Amendment to Section 4.5 on July 8, 1982; Section 4.18 adopted October 26, 1982; Section 4.3 amended August 25, 1983; amended October 18, 1983, November 10, 1983, January 21, 1988, May 19, 1988, June 19, 1995 Section 4.11 adopted November 21, 1996, Section 4.21 adopted May 15, 2006)

Section 5. ALTERNATIVE DISPUTE RESOLUTION

- 5.1 In order to expedite the process of resolving appeals stemming from lesser offenses, reduce appeal costs for both the City and the employee, render a fair decision within a short period of time, and in general, simplify the overall administration of the appeal process, the Commission hereby establishes an Alternative Dispute Resolution process.
- 5.2 The jurisdiction of the Commission's Alternative Dispute Resolution (ADR) process shall be limited to:
 - (a) suspensions of not more than 10 days or,
 - (b) fines of not more than 10 days pay or,
 - (c) fines of not more than 10 days annual leave.

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- 5.3 If an employee files an appeal which is perfected, either the appointing authority or the employee may make application for the use of the ADR process, but all parties must concur in the use of ADR before it can be commenced.
- 5.4 The parties must acknowledge in writing that they agree to comply with and abide by the provisions of the ADR process prior to the commencement of the proceedings.
- 5.5 The format of the Commission's Alternative Dispute Resolution process shall be as follows:
- (a) strict rules of evidence are not applicable.
 - (b) there shall be no formal discovery process.
 - (c) there shall be no written transcript of the proceedings.
 - (d) an audio tape of the proceedings shall be made to assist in rendering a judgment.
- 5.6 A written opinion prepared by the arbitrator shall be promulgated within five (5) working days of the completion of the proceedings.
- 5.7 The arbitrator shall have the authority to compel the production of documents which the arbitrator deems relevant to the proceeding.
- 5.8 The arbitrator shall have the authority to sustain, reverse or modify the disciplinary action and/or penalty assigned by the appointing authority.

(Sections 5.1 - 5.8 adopted August 22, 1996, effective August 22, 1996)

Section 6. SUMMARY DISPOSITION OF APPEAL (adopted January 25, 2001, effective February 1, 2001)

- 6.1 At any time after an appeal has been docketed, a written request may be filed by any interested party for summary disposition thereof on any of the following exclusive grounds:
- (a) that the Commission lacks jurisdiction of the subject matter, or of the person against whom relief is sought,
 - (b) that the appellant has no legal right of appeal,
 - (c) that the appeal has not been made in the required manner,
 - (d) that the appeal has not been timely filed as required by Rule II, Section 4.3 or 4.7 of the Commission's Rules,

(RULE II)

- (e) that the appeal has become moot,
- (f) that the written notice expressing the cause for the action complained against is insufficient; or, that the cause as expressed does not constitute legal grounds for the disciplinary action.

The request for summary disposition shall specifically state the subsection of this Section upon which it is based.

- 6.2 Written requests for summary disposition shall be considered by the Commission, which may require the submission of additional briefs. In all cases in which the appellant and the appointing authority are represented by counsel, oral argument shall be heard only on Order of the Commission and only after written request therefore by the party.(adopted January 25, 2001, effective February 1, 2001)
- 6.3 In the event that an appellant fails to appear at the time fixed for the hearing of the appeal, without having requested and having been granted a continuance, the matter may be dismissed on oral motion made before the Commission or the Hearing Examiner.
- 6.4 If the Commission denies the request or refers it to the merits, it may later reconsider the request at any time prior to the final disposition of the appeal.
- 6.5 The Commission, on its own motion, may at any time summarily dispose of an appeal on any of the grounds listed in either Section 6.1 or 6.3 of this Rule.
- 6.6 When the Commission summarily disposes of an appeal, its decision shall be final on the date it disposes of the case. The Director shall provide written notification of the Commission's decision to all parties.
- 6.7 An appellant may withdraw or abandon an appeal at any time prior to the hearing thereof by filing with the Director a written notice of intention to do so, or upon oral motion before the Commission or the Hearing Examiner. After an appeal has been heard, it may be withdrawn or abandoned only with the approval of the Commission. Where the Commission gives its approval of such withdrawal or abandonment, the Director shall provide written notification of the Commission's decision to all parties.

(Sections 6.1 - 6.7 adopted December 15, 1983, effective December 15, 1983)

Section 7. SPECIAL COUNSEL AND OTHER PROFESSIONAL SERVICES

- 7.1 The Commission, when it deems appropriate, shall seek the assistance of professionals having specialization in one or more fields as necessary to enable the Commission and the Department to comply with its Constitutional mandate as outlined in Article X.
- 7.2 The Commission shall have the right to retain Special Counsel of its choosing to represent the Civil Service Department and the Commission in all legal matters. When so directed by the Commission, such Special Counsel shall be vested with power and authority to defend, to institute and prosecute and to intervene in any or all suits or other proceedings, civil or criminal, as may be deemed necessary for the assertion or protection of the rights and interests of the Commission, the Civil Service Department, classified employees and merit principles.
- 7.3 The Special Counsel shall be admitted to practice before the Supreme Court of the State of Louisiana.
- 7.4 Compensation for services rendered shall be determined by the Commission and paid by the City of New Orleans.
- 7.5 The Commission shall approve all procedures used in granting professional contracts relative to the operations of the Department. These procedures shall further its purposes, goals and mandates.

(Sections 7.1-7.3 Adopted October 15, 1982, effective October 15, 1982, amended April 24, 1997)

Section 8. OATHS, TESTIMONY, PRODUCTION OF RECORDS AND DEPOSITIONS

- 8.1 The Commission, each member of the Commission, the Director, or other persons designated by the Commission, may administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by the Commission pursuant to the Law and Rules. All applications for the issuance of subpoenas must be in the hands of the City Civil Service Commission at least ten (10) business days prior to the date established for the hearing. (amended June 12, 1957 and January 11, 1973)

(RULE II)

- 8.2 Whenever any party to an appeal, now or hereafter pending before the Commission, desires to take the testimony of a witness or witnesses who reside outside of the State or reside within the State but outside of Orleans Parish, the testimony of the witnesses, after due notice in writing to the opposing party or his counsel, a copy of which said notice shall be furnished the Commission, may be taken in a manner and form as nearly consonant as possible with applicable provisions of the Louisiana Code of Civil Procedure. (adopted May 19, 1954)

Section 9. PREPARATION OF THE RECORD

- 9.1 On appeals from the Civil Service Commission, the Uniform Rules of the Court of Appeal, Fourth Circuit, shall generally apply. The application for appeal, assignment of errors, bond or other required documents, including, without limitation thereto, a written designation, if any, of the portions of the record to be transcribed, shall be submitted to the Director of the Civil Service Department in triplicate with a copy thereof being furnished each opposing party and the official reporter. The cost of the record as prepared by the Civil Service Department, exclusive of the transcript of testimony, shall be a minimum of \$25.00. In addition thereto, there shall be a reasonable charge per page for any reproduction necessary. The costs shall be made payable to the Director of the Department of Civil Service and must be received at least five business days before the return date. The party requiring the transcript of testimony or any part thereof shall at his own expense arrange for this with the Civil Service Department and make payment to the Department within twenty (20) days of the mailing of the cost of the appeal. (adopted July 6, 1972, amended February 27, 1974, September 8, 1983, August 18, 1994)

If the appellant fails to pay the estimated costs within the time specified, the Commission upon its own motion or motion by any party, may extend the time within which the costs must be paid, not to exceed twenty (20) days. The failure to pay costs of the appeal after an extension of time has been granted by the Commission shall be cause for dismissal unless a written request by appellant for an additional extension of time to pay costs is received on or before the extended return day. Additional request for extensions of return day must be made to the Civil Service Commission, in writing. Such requests may be forwarded to the appellate court for review and consideration. (adopted September 8, 1983, effective September 8, 1983, August 18, 1994)

Section 10. EMPLOYEE DISCLOSURE OF INFORMATION

- 10.1 No employee shall be subjected to discipline or discriminatory treatment by an appointing authority because he or she gives information, testimony or evidence in a prudent manner to appropriate authorities concerning conduct prohibited by law or regulation which he or she reasonably believes to have been engaged in by any person(s). If the employee incurs such treatment despite this admonition, he or she shall have a right of appeal to this Commission. (adopted October 18, 1983, effective October 19, 1983.)

Section 11. COMPLIANCE WITH ORDERS

- 11.1 In all appeals to the Commission under these Rules wherein a final judgment has been rendered by either the Commission, the Court of Appeal, Fourth Circuit, or the Louisiana State Supreme Court, immediate steps shall be taken by the City to fully comply with the judgement. This restoration shall include, where appropriate, reimbursement for all back wages and emoluments due and accrued annual and/or sick leave, less an offset for any wages earned during the period for which back pay was restored. (adopted December 11, 1986, effective January 1, 1987)
- 11.2 Appropriate documentation to establish wages earned shall include check stubs and, if available, appropriate IRS income statements. In lieu of such documentation, a notarized statement of wages earned for the period in question shall be provided. Additionally, the Appointing Authority is granted the right to check wage records through the State Department of Labor. (adopted January 21, 1988, effective February 1, 1988)
- 11.3 In cases of reinstatement ordered by the Commission where payment for previously accrued annual and/or sick leave has already been made to the employee, the employee shall have the option of purchasing either or both all accrued annual and/or sick leave. However, in no instance shall an employee be allowed to purchase fractions of accumulated leave. (adopted December 11, 1986, effective January 1, 1987)
- 11.4 In the event that the reinstatement ordered in Section 10.1 is not fully accomplished within forty-five (45) days from the date the judgement becomes final, on application from the employee or his legal counsel, the Commission may assess appropriate attorney's fees for services occasioned by the City's failure to comply with provisions of this Section in a timely manner. (adopted December 11, 1986, effective January 1, 1987)
- 11.5 In order to effect compliance with its orders, the Commission may issue orders withholding compensation from any person or entity, who, after investigation by public hearing, has been found by the Commission to be employed or paid by any agency subject to the Commission's jurisdiction contrary to the provisions of the Constitution or the Commission's Rules. Such orders may be directed to the officer having the authority to approve the payroll or issue the paycheck for such employee or entity, and the officer to whom it is directed and any other person to whom such order is directed shall make no payment of compensation or authorize the making of any such payment to such person or entity until authorized by the Commission upon penalty of personal liability for the sum so

paid contrary to the order of the Commission and such other penalties as are otherwise provided by the Constitution and/or the Rules. (adopted December 14, 2000)

Section 12. ADMINISTRATION OF THE EMPLOYEE-MEMBER ELECTION

- 12.1 In accordance with the provisions of Article X, Section 4, of the Constitution of the State of Louisiana, a nominating election shall be held among classified employees of the City to fill a position on the City Civil Service Commission.
- 12.2 In order to be eligible for consideration as a candidate for the employee-nominated member of the City Civil Service Commission, an individual must be an elector of the City of New Orleans and an employee in the classified service of the City.
- 12.3 A classified employee who desires to be a candidate in the nominating election for membership on the City Civil Service Commission must submit the following information before the final filing date:
 - (1) Name, social security number, current job classification, and City agency where currently employed.
 - (2) Proof of registration to vote in Orleans Parish.
- 12.4 The nominating election for employee membership on the City Civil Service Commission shall be administered by the Civil Service Department using prescribed forms developed for that purpose. When an election is announced, employees wishing to qualify for the seat on the Commission may obtain the appropriate filing forms from the Civil Service Department during the specified pre-election time period. Nominees will be allowed the option of submitting a brief biographical sketch (50-word maximum) for enclosure with the official ballot, which, if submitted, must be received in the Civil Service Department by the close of business on the final date for qualifying. Failure to submit the required forms/documents in a timely manner will result in the disqualification of the nominee.
- 12.5 The election process shall be conducted by sealed ballot which may be mailed or delivered in person to the Civil Service Department. The official ballot of qualified nominees, listed in alphabetical order, will be prepared by the Civil Service Department and mailed to each classified employee hired on or before the final date for qualifying.

Only official ballots returned in sealed official envelopes which are received by the close of business on the final day designated for the receipt of ballots will be counted. All costs of the election process and any subsequent run-off, protest or judicial challenge shall be adequately funded by the City of New Orleans.
- 12.6 Employees will be allowed to vote for three (3) candidates in the nominating election (amended November 14, 2005, effective December 1, 2005).

(RULE II)

- 12.7 Tabulation of official ballots will be performed by the Civil Service Department at a time, place and date determined by the Director. Each candidate may designate one observer (other than the candidate) to be present when the official ballots are tabulated. If the designee is a City employee and the time of tabulation of ballots is during the designee's regular work day, annual leave shall be allowed by the designee's appointing authority. If the tabulation of ballots occurs at the conclusion of the designee's normal work week or work period, any time spent in observing the tabulation of ballots shall not be compensable.
- 12.8 The Director will certify and give public notice of the results of the election and transmit to the City Council the names of the three (3) employees who received the largest number of votes. The candidate receiving the largest number of votes will be listed first, followed by the candidate who finished second, and then by the candidate who finished third.
- 12.9 Within (30) calendar days following the transmittal of names of the three (3) nominees to the City Council, the Council shall make an appointment of one (1) employee. If the municipal governing authority fails to appoint within the thirty (30) calendar days, the nominee whose name is first on the list of nominees automatically shall become a member of the Commission
- 12.10 The employee member appointed by the City Council shall serve a six (6) year term which may be completed even if, during the course of the term, the employee retires from City employment. In the event of the death, resignation or dismissal of the employee member of the Commission, a nominating election shall be called within sixty (60) calendar days to fill a new six (6) year term.
- 12.11 The employee member of the Commission shall be placed on civil leave when attending meetings of the City Civil Service Commission during the employee member's regular work day, and will not incur any reduction in salary for time spent away from his or her regular job. Thus, no honorarium shall be granted to the employee member, except for retired employees.
- 12.12 The employee member of the Commission will be required to read transcripts of employee appeal hearings and to write opinions based on the facts determined therein. This portion of the employee Commission member's duties must be completed outside normal working hours, and is not eligible for remuneration.

(Sections 12.1 - 12.12 adopted January 21, 1988, effective February 1, 1988)

Section 13. SELECTION OF PROFESSIONAL SERVICE CONTRACTORS (adopted September 17, 2001, amended July 17, 2006, effective August 1, 2006)

- 13.1 The retention of Special Counsel pursuant to Rule II, Section 7, and such Hearing Examiner(s) pursuant to Rule II, Section 4, and other providers of professional services as the Commission may deem necessary in furtherance of its duties and responsibilities under the Louisiana Constitution shall be subject to the competitive selection procedure set forth herein.

(RULE II)

- (a) The Commission shall annually, or when otherwise necessary, prepare an advertisement requesting proposals from professional service contractors.
- (b) Such advertisements shall be published in the Official Journal of the City and in such supplemental publications or journals as the Commission shall determine are necessary. The Commission shall attempt to obtain at least three proposals from qualified contractors. If fewer than three proposals are received, the Commission may require additional advertisement.
- (c) A Selection Review Rating Committee is hereby established. The Commission shall select three of its members to serve on the Selection Review Rating Committee.
- (d) The Selection Review Rating Committee shall consider the specialized experience and technical competence, performance history, including cost control, work quality and ability to meet schedules and deadlines, the applicant's current workload, maintenance of an office, residence or domicile within Orleans Parish, willingness to promote full and equal business opportunities in accordance with the City's Disadvantaged Business Enterprise Program and costs.
- (e) The specific selection criteria and weighting factors to be used for evaluation of proposals pursuant to this Rule for a particular contract award shall be in writing and shall be available upon request to any interested person immediately following the initial advertisement requesting proposals. The weighting of the criteria shall be determined by the Selection Review Rating Committee for each proposed procurement based on the nature of the proposed contract. The Commission shall review and approve the weighting factors for each procurement or type of procurement.
- (f) The Selection Review Rating Committee shall submit to the Commission the three best proposals, based on its evaluation and judgment. The Commission shall make a selection for the award of the professional services contract from one of the three submitted after giving consideration to the written evaluations prepared by the Selection Review Rating Committee.

RULE III

CLASSIFICATION PLAN

(amended May 9, 1956, July 22, 1975, August 9, 1979, July 8, 1982, July 12, 1984, February 13, 1986, September 27, 1990, August 22, 1996, June 26, 1997, April 29, 1999, January 25, 2001)

Section 1. CREATING CLASSES AND ALLOCATING POSITIONS

- 1.1 Whenever, in the opinion of the Director, there is necessity for establishing a new class, or revising or abolishing an existing class in the classification plan, he may anticipate formal action of the Commission by adding the new class or revising or abolishing an existing class. Such action shall be subject to ratification by the Commission at its next regular meeting.
- 1.2 Subject to approval by the Personnel Director, whenever a job series is affected by the creation, revision or abolishment of a job class, any regular employee having obtained permanent status in a higher job class in a job series shall for purposes of reinstatements, qualifying for examinations, and layoffs be considered as having permanent status in all lower job classes within that series or a related class of positions. (amended April 29, 1999)
- 1.3 Hearings on appeals from allocations: If any employee believes that his position has been improperly allocated, he may protest the allocation by presenting such forms or documents as the Director may prescribe. The Director or any person designated by him may hold special hearings to determine the facts of each case and the Director shall make his decision on the basis of the written statements and forms presented by the employee and on the facts brought out in the hearing. The employee shall have the right to appeal to the Commission if dissatisfied with the action of the Director.

Section 2. FORCE AND EFFECT OF CLASSES

- 2.1 The specification of the classes of position in the classification plan, and their various parts, shall have the following force and effect:
 - (a) In a class specification, the use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality.

(RULE III)

- (b) In determining the class to which any position should be allocated, the class specification shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualifications requirements, and relations to other classes, as together affording a picture of the kind of employment that the class is intended to embrace.
- (c) Qualifications commonly required for positions of different classes such as acceptable physical condition, residence within the City of New Orleans (except when waived), honesty, sobriety, and industry shall be deemed to be implied as qualification requirements for entrance to each class even though they are not specifically mentioned in the specifications.
- (d) The code number assigned to each class of positions by the Civil Service Department may be used in all official records of the City in place of the actual title.

(Section 2.1 amended February 13, 1985, effective January 13, 1986)

Section 3. STATUS OF INCUMBENT WHEN POSITION IS REALLOCATED

- 3.1 Subject to approval by the Civil Service Commission, when a position is reallocated to another class because of a gradual change in its duties and the Director deems it impracticable to hold a competitive examination to fill the position, the incumbent, if a regular employee, may continue to occupy the position under the other classification on a permanent basis provided he/she meets the minimum qualifications for that position.

Section 4. TEMPORARY WORK IN A HIGHER CLASSIFICATION

- 4.1 Subject to the approval of the Director, whenever a regular employee occupying a position in a non-exempt classification is required by the appointing authority to temporarily perform, on a full-time basis, duties in a vacant full-time position of another classification having a higher pay grade, the employee shall be entitled to receive additional compensation subject to the following conditions:
 - (a) The position to which the employee is to be assigned must be a budgeted vacancy. A budgeted vacancy is defined as a full-time position which has been authorized by the Chief Administrative Office and given an official position control number, and in which there is no incumbent in official pay status.

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- (b) The employee must have completed five (5) full working days in a calendar year in any budgeted vacancy within a class before eligibility for payment can commence.
- (c) The rate of pay for work performed in a higher classification shall be the minimum monthly rate for that classification. However, if the employee's monthly salary exclusive of longevity is at or above the minimum for the higher classification or if increasing the employee's salary to the minimum of the higher class would result in an increase of less than five percent (5%), a pay increase of five percent (5%) shall be authorized for the eligible time spent in the higher class. (amended July 12, 1984, 1984, effective August 1, 1984).
- (d) If, while performing work in a higher classification, the employee is separated from the service, any payment of terminal leave shall be paid in accordance with the employee's rate of pay in his or her permanent (primary) classification.
- (e) If a budgeted vacancy occurs and an appropriate employment list is available for certification, the appointing authority shall not require an employee to work temporarily in the higher classification, but rather must submit appropriate personnel forms to fill the vacancy on a permanent basis.
- (f) In the absence of an appropriate employment list, the appointing authority may designate an employee to work temporarily in a higher classification, provided the selection criteria is fair, equitable and uniform in application. When an appropriate employment register is subsequently established, and the appointing authority has an employee temporarily working in a higher classification, the appointing authority must submit appropriate personnel forms and fill the position on a permanent basis within thirty (30) calendar days of the date that the register is established.
- (g) Additional credit on promotional examinations cannot be obtained for work performed on a temporary basis in a higher classification; nor can the appointing authority reduce the length of the probationary period of any employee who temporarily served in a higher classification and subsequently is promoted to that classification from a Civil Service register.

(Section 4.1 (a)-(g), adopted August 9, 1979, effective the first pay period in 1980 per City Council Motion #—79 236)

Section 5. DUAL ASSIGNMENTS

- 5.1 The prior approval of the Personnel Director is required before any designation of duties constituting a dual assignment is permitted.
- 5.2 Prior to appointment in a dual assignment, the employee proposed for the assignment must satisfy all minimum qualification requirements for that classification as determined by the Civil Service Department, including possession of any license or certificate required for positions allocated to that classification.
- 5.3 No employee shall perform in a dual assignment on a full-time basis. Dual assignments are granted only to compensate employees for work done on an occasional or intermittent basis. Any position temporarily vacated for more than three months must be filled with a conditional or temporary appointment in accordance with Rule VI, Section 5.
- 5.4 Payment of annual leave, sick leave, terminal leave and designated city holidays shall be in accordance with the employee's pay rate in his or her primary classification.
- 5.5 The rate of pay for work performed in an authorized dual assignment shall be the minimum monthly rate or authorized hiring rate for that classification. However, if the proposed dual assignment is in a class with a higher pay grade than his or her primary classification and the employee's rate of pay is equal to or exceeds the minimum or authorized hiring rate for the proposed dual assignment, a pay increase of five percent (5%) shall be authorized for all time worked in the assignment. (amended September 27, 1990)

(Section 5.1 - 5.4 adopted July 12, 1984, effective August 1, 1984, amended April 29, 1999)

Section 6. CONTRACTS (adopted January 25, 2001, effective February 1, 2001)

- 6.1 Jobs that are necessary for the discharge of the functions of City agencies, boards and commissions as those functions are defined by the Home Rule Charter of the City of New Orleans and the Constitution and laws of the State of Louisiana are presumed to be included in the classified service unless specifically excluded therefrom by Article X, Section 2 of the Louisiana Constitution of 1974 or the Rules of this Commission. All persons who provide services to the City of New Orleans or its agencies, boards and commissions, under conditions the Commission determines constitute an employment relationship shall, unless specifically excluded therefrom by Article X, Section 2 of the Louisiana Constitution of 1974 or the Rules of this Commission, be retained under an appropriate civil service appointment.
- 6.2 All contracts for personal or professional services, and amendments thereto, shall be reviewed and approved by the Director well in advance of their effective dates to insure compliance with the Civil Service Law and to determine whether such services should be provided within the classified service. Such contracts shall become effective only when approved by the Director. When so approved, they may thereafter continue for a period not to exceed one (1) year from the effective date of the contract.

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- 6.3 Contracts for personal or professional services and amendments thereto shall be approved only when such services require unique or specialized skills not presently required of positions in the classified service, or where such services cannot be provided within the classified service. However, if later it is determined that such services are required beyond the original terms or scope of the contract or that such services could then be provided within the classified service, the Director may take appropriate steps to incorporate such functions into the classified service, with compensation corresponding to the pay grade specified for comparable positions in the classified pay plan. (amended September 27, 1990)
- 6.4 All contracts for personal or professional services and amendments thereto, first shall be transmitted to the Civil Service Department for initial consideration and review, and again for final approval after all other aspects of contractual review have been completed. A copy of the approved contract shall be kept by the Civil Service Department for the duration of the agreement.
- 6.5 No proposal to privatize any function of any City agency, board and commission shall be binding or effective until approved by the City Civil Service Commission. All proposals for the privatization of a function of a City agency, board and commission and laws shall meet the following minimum criteria:
- (a) Any contract for privatization of a governmental service shall contain a provision that thoroughly explains the effects of privatization on the status of current employees, as well as any specific contractual commitments entered into by the parties, which affect the interests of the displaced employees.
 - (b) Any contract for privatization of a governmental service shall contain an additional provision which has the effect of prohibiting unlawful discriminatory treatment of employees.
 - (c) Any contract for privatization of a governmental service shall contain an additional provision which affords regular employees an opportunity for a full and fair hearing prior to any disciplinary action.
 - (d) Employees who choose to remain in the classified service of the City may request the City Civil Service Commission to invoke the application of Rule XII, Layoffs, in order to preserve their classified status.
 - (e) Commission approval of a contract for privatization shall be effective only for the term of the contract actually reviewed.
 - (f) A copy of the proposed contract, and such other evidence to be presented to the Commission to justify the necessity for privatization, shall be reviewed with the Commission at a public meeting. The Commission shall not approve the contract prior to a subsequent meeting, with due notice given to the public of the proposed provisions of the privatization contract. Due notice shall include individual notification to affected employees.

6.6 The Commission shall review proposals for privatization with reference to the following, non-exclusive, criteria:

- (a) All privatization proposals that are represented to result in fiscal savings to the City shall support such representation by a written comparison of costs.
 - (1) In comparing costs, there shall be included the City's additional cost of providing the same service as proposed by a contractor. These additional costs shall include the salaries and benefits of additional staff that would be needed and the costs of additional space, equipment, and materials needed to perform the function.
 - (2) In comparing costs, there shall not be included the City's indirect overhead costs unless these costs can be attributed solely to the function in question and would not exist if that function was not performed in City service. Indirect overhead costs shall mean the pro rata share of existing administrative salaries and benefits, rent, equipment costs, utilities and materials.
 - (3) In comparing costs, there shall be included in the cost of a contractor providing a service any continuing City costs that would be directly associated with the contracted function. These continuing City costs shall include, but not be limited to, those for inspection, supervision, and monitoring.
 - (4) The savings should be large enough to ensure that they will not be eliminated by private sector and City cost fluctuations that could normally be expected during the contracting period.
 - (5) The amount of savings should clearly justify the size and duration of the contracting agreement.
 - (6) The proposal should demonstrate that the potential for future economic risk to the City from potential contractor rate increases or contractor default is minimal.
- (b) Privatization proposals shall not be approved solely on the basis that savings will result from lower contractor pay rates or benefits. However, privatization proposals may be eligible for approval if the contractor's wages are at the industry's level and do not significantly undercut City pay rates.
- (c) Privatization proposals shall state whether they would cause the displacement of civil service employees. The term 'displacement' includes layoff, demotion, involuntary transfer to a new class, involuntary transfer to a new location requiring a change of residence, and time base reductions. Displacement does not include changes in shifts or days off, nor does it include reassignment to other positions within the same class and general location.
- (d) Privatization proposals shall state whether they adversely affect the City's affirmative action efforts or contravene its domicile requirements or the Commission's Rules.

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- (e) Privatization proposals shall be the subject of a publicized, competitive bidding process.
- (f) Privatization proposals shall state the required qualifications of personnel that will perform the work under the proposal and shall contain assurances that the contractor's hiring practices meet applicable nondiscrimination, affirmative action and domicile standards.
- (g) Privatization proposals should demonstrate that the potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by City government.

(Section 6.4 adopted December 13, 1988, effective December 13, 1988, Section 6.1 through 6.6 adopted January 25, 2001, effective February 1, 2001)

Section 7. UNCLASSIFIED POSITIONS

- 7.1 At its discretion, the City Civil Service Commission may add additional positions to the unclassified service, if:
 - (a) after a thorough review and analysis of the duties and responsibilities of the position, the Commission has determined that they neither are appropriate for, nor should they be performed by, a classified employee and,
 - (b) the position is essentially of a sensitive nature, having considerable discretion and policy-making authority, which is not subject to further review or modification and,
 - (c) the position is audited on a regular basis by the Civil Service Department to determine the continuing appropriateness of the unclassified status.
- 7.2 The Commission may revoke a position previously allocated to the unclassified service if:
 - (a) the Commission determines that the position no longer meets the prerequisites for continuing in the unclassified service, or
 - (b) appropriate classifications and/or registers of eligibles are now in existence which can be utilized to fill the position in the merit system, or
 - (c) after further review it has been determined that organizational changes warrant either abolishing the position or reallocating the duties and responsibilities to other position(s) in the classified service.
- 7.3 The Commission shall have the authority to initiate such audits and investigations of positions placed in the unclassified service by the Commission, as deemed necessary to protect the integrity of the merit system and maintain an equitable relationship between positions in the classified and unclassified services.

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- 7.4 If after a position formerly allocated to the unclassified service by the City Civil Service Commission has been revoked by action of the Commission, and no appropriate register of eligibles is in existence to fill the position in the classified service, the Commission may permit the individual who previously occupied the position to serve in a temporary appointment, subject to the provisions of Rule VI of these Rules.

(Sections 7.1 - 7.4 adopted August 22, 1996, effective August 22, 1996)

Section 8. TRANSFER OF A FUNCTIONAL UNIT

- 8.1 Written notification shall be provided to the Director of any intent to transfer a functional unit, comprised in whole or in part of classified employees, from one appointing authority to another. This notification shall be received by Civil Service at least forty-five (45) days prior to the effective date of the transfer and shall contain the reasons for the transfer and the classifications and positions to be affected. The Civil Service Commission will review and consider the proposed transfer to determine its effect on the classified service.
- 8.2 All employees shall be notified in writing by their appointing authority of their pending transfer and of the duties and responsibilities assigned to the new position at least ten (10) calendar days prior to the effective date of the transfer.

(Sections 8.1 - 8.2 adopted June 26, 1997, effective July 1, 1997)

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PAY PLAN

(as adopted December 9, 1953 and amended July 14, 1954, December 12, 1956, June 12, 1957, October 17, 1968, October 9, 1969, March 27, 1975, July 22, 1975, April 27, 1976, July 8, 1976, April 27, 1977, July 14, 1977, February 18, 1979, February 28, 1979, August 9, 1979, September 11, 1980, December 29, 1980, April 19, 1983, December 15, 1983 and effective November 15, 1984; amended October 23, 1985, effective April 13, 1986; October 1, 1986, April 30, 1987, effective May 21, 1987; December 21, 1989, amended September 27, 1990, October 25, 1990 approved by the City Council December 6, 1990, April 20, 1995; amended February 22, 1996, effective February 22, 1996; amended March 28, 1996; approved by the Council April 18, 1996, amended October 24, 1996, approved by the City Council March 4, 1999, effective March 28, 1999, amended December 16, 1999, amended September 21, 2000, approved by the Council October 5, 2000, adopted by Commission December 16, 2002, approved by the Council June 5, 2003, effective July 13, 2003, amended May 15, 2006, adopted by the Council May 25, 2006, effective June 1, 2006)

Section 1. THE PAY PLAN

- 1.1 On the effective date of Article X of the Constitution of Louisiana, the present pay plan and its amendments for the classified service as adopted under the former Constitution, R.S. 33:2406 and the Rules of the previous Commission shall be incorporated as part of this Rule.
- 1.2 The Director shall, from time to time, recommend changes in the pay plan rendered desirable by changes in classes, economic conditions, or other factors. Such changes shall become effective only after approval by the City Civil Service Commission and the governing authority of the City. (adopted July 14, 1954)
- 1.3 The pay of all positions in the classified service shall be determined in accordance with the pay plan in effect and in accordance with the provisions of the Civil Service Law regardless of any provisions or appropriation for any different salary rate or mode of payment for any position. The regular hourly base rate shall be determined as follows:
 - (a) For those non-exempt employees engaged in law enforcement activities, their regular hourly base rate shall be computed by dividing the annual salary by twenty-six (26), and then dividing the quotient by eighty-five and a half (85.5). (Adopted by Commission December 16, 2002, approved by the Council June 5, 2003, effective July 13, 2003)
 - (b) For those non-exempt employees engaged in fire protection activities, their regular hourly base rate shall be computed by dividing the annual salary by (13), and then dividing the quotient by two hundred and twelve (212).

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- (c) For all other employees, their regular hourly base rate shall be computed by dividing the appropriate annual salary by fifty-two (52), and then dividing the quotient by either thirty-five (35), forty (40) or forty-six (46) depending upon the employee's assigned work schedule.

(Section 1.3 (a) - (c) amended October 23, 1985, ratified by the City Council October 24, 1985, effective April 13, 1986, amendment approved by Council March 4, 1999, effective March 28, 1999)

- 1.4 If, for one class of positions, two or more rates of pay are established to reflect equitably the difference in the unpleasant or dangerous aspects of various assignments made in the class of positions, changes in assignments shall result in corresponding salary adjustments. Such salary adjustments shall not be considered either as pay increases or pay reductions, but must be reported to the Director.
- 1.5 Where it is necessary to establish wages on an hourly, daily, or weekly basis, such rates may be computed without regard to existing annual rates as long as they are within the established pay grade for the class and have prior approval of the Personnel Director. (adopted October 17, 1968, amended September 27, 1990, approved by Council March 4, 1999, effective March 28, 1999)
- 1.6 Full-time employees in the classified service who, by virtue of their assignments are required to work a seven (7) or eight (8) hour shift around the clock, shall be granted additional monetary compensation in accordance with the provisions listed below.

If, in conjunction with the establishment of flextime and/or compression of the work week into four (4) work days, the provisions of the following sub-sections (a) through (e) are met, employees shall continue to be eligible for benefits under the provisions of this section. (amended April 30, 1987, effective May 21, 1987)

- (a) Employees with work assignments beginning between the hours of 7:00 P.M. and 1:00 A.M. shall receive a shift differential amounting to an increase of 5% in pay. (amended September 27, 1990, October 24, 1996)
- (b) Employees with work assignments beginning between the hours of 2:00 P.M. and 7:00 P.M. shall receive a shift differential amounting to an increase of 2 ½% in pay. (amended October 24, 1996)

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- (c) Non-Exempt employees who may be required to work overtime after the completion of their assigned shift shall be paid overtime which is calculated upon their appropriate hourly base rate. (amended April 19, 1983)
- (d) The payment of shift differentials shall apply for only those hours that the employee actually works on the respective shift. Annual leave, sick leave, and all other forms of leave including the provisions of Rule VIII, Section 2.1 (d), (e), and (f) shall not be included under the provisions of this section.

(Sections 1.6 (a)-(d) adopted by the City Council March 4, 1999, effective March 28, 1999.)

Section 2. PAY INCREASES

- 2.1 The rate of pay for any employee in a classified position who is paid at a salary step prescribed in the pay plan for the class of positions involved may be advanced, subject to the following limitations: (amended December 12, 1956, September 27, 1990, October 25, 1990)
 - (a) Except for an increase in the rate of pay resulting from a longevity pay increase, a limited term special assignment, or in conjunction with a revision in the pay grade, adjustments in the rate of pay may become effective only if the conditions set forth elsewhere in this section are met, and provided that equitable treatment is assured for all classified personnel. (amended September 27, 1990)
 - (b) No advance in the rate of pay shall become effective until adequate funds are made available for all organizations units employing classified personnel.
 - (c) No advance in the rate of pay for an employee shall be made until that employee has completed at least two consecutive months of employment immediately following the date of his original appointment.

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- 2.2 Subject to the prior approval of the Director, an appointing authority may grant an increase within the pay grade to any employee given a special assignment for a limited term within his class of positions, provided that there shall be a corresponding pay reduction at the completion of the special assignment. A written notice of the intention to effect a reduction in pay on the completion of the special assignment shall be given to the employee when the increase is granted. Increases and reductions in pay shall be reported to the Director in such manner as he may prescribe. (amended September 27, 1990)
- 2.3 Subject to the prior approval of the Commission and the availability of funds, a special cost-of-living payment in addition to an employee's usual compensation may be made to all classified employees, or to such classifications or positions as the Commission in its sole discretion may determine, which special payment may be granted without regard to provisions set forth elsewhere in these Rules. This Rule does not create a property right in any employee for such payment, nor shall said payment be considered an increase in the pay grade or rate of pay of any employee for retirement benefits, overtime rates or for any other purpose whatsoever. Any cost of living adjustment adopted by the Commission pursuant to this rule shall become effective only after approval by the governing authority. (adopted March 27, 1975, amended September 27, 1990, December 6, 1990, December 16, 1999)
- 2.4 At such time as service-wide increases are granted, the rate of pay for all employees in the classified service shall be advanced uniformly so that each employee in the classified service receives a percentage increase equal to that granted every other employee, subject to the following limitations:(amended September 27, 1990, October 25, 1990)
- (a) Certification must be made to the Commission by the Mayor that adequate funds are available in every organizational unit employing classified personnel.
 - (b) The pay increase shall be made effective service-wide on the same date and at the same time.
 - (c) No base rate shall be below the minimum established in the pay plan.
- 2.5 The rate of pay for any employee in a classified position may be advanced by action of the appointing authority, subject to the following limitations:
- (a) The total of these increases given in a calendar year shall be budgeted for each organization unit at an amount equal to 1.25% of the combined base rates (as defined in Rule I, Number 10) of pay of all permanent positions filled in the organization unit as of January 1 of that year. These increases shall not exceed this amount without the approval of the Commission.

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- (b) Such advances shall be effective thirty (30) days after the receipt by the Commission of suitable documentation evidencing personal evaluation of the individual employee and detailing specific justification for the individual employee's entitlement to such an increase. Documentation shall include information on job performance, attendance, compliance with city regulations and disciplinary record. (amended September 27, 1990, October 25, 1990)

2.6 Special rates of compensation for classifications of work may be authorized by the Civil Service Commission to address employment problems resulting from recruitment and/or retention difficulties, subject to the following criteria:

- (a) The appointing authority has submitted a written request to the Director detailing the scope of the problem and its impact on the agency's ability to perform.
- (b) The Personnel Director has recommended the establishment of appropriate special rates of compensation after reviewing all aspects and ramifications of the matter.
- (c) The Commission has received verification that adequate funds are available from the appointing authority and the Chief Administrative Officer.
- (d) The City Council has concurred by Motion with the verification of the Chief Administrative Officer that funds are available.

(Section 2.6 adopted February 22, 1996, effective February 22, 1996)

Section 3. PAY REDUCTIONS

- 3.1 An appointing authority may for cause reduce the salary of an employee within the pay grade and in conformity with salary steps established for the class. Notice of intention to effect a reduction in pay and the reasons for such action shall be given to the employee prior to the effective date of the reduction, and the reduction shall be reported to the Director in the manner he may prescribe. (amended September 27, 1990)

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- 3.2 Whenever an employee in the classified service voluntarily accepts demotion, the appointing authority, subject to the approval of the Personnel Director, may determine the employee's appropriate rate of pay in relation to the rates of pay of other employees in that class, but in no instance shall the salary exceed the minimum salary for the lower class by more than thirty-five percent, exclusive of longevity. Under no circumstance shall the existing salary be increased as a consequence of the demotion. (amended September 27, 1990)

Whenever an employee is demoted in accordance with Rule IX, Section 1.1 (d), the accompanying reduction in pay shall not be below the minimum salary for the lower class and shall not exceed the minimum salary for the lower class by more than thirty-five percent, exclusive of longevity. (adopted September 27, 1990, approved by the City Council October 18, 1990)

Section 4. PAY RATES OF CASUAL LABORERS AND TEMPORARY WORKERS

- 4.1 When rates of pay are established on an annual or monthly basis, but employment is on a casual, intermittent, or project basis not involving seasonal or continuing employment, and an application is made in advance of employment by the appointing authority, the Director may establish an alternative rate of pay equivalent to the prevailing rate of pay in private industry for temporary or project work. (approved by Council March 4, 1999, effective March 28, 1999.)

Section 5. PAY FOR PART-TIME SERVICE

- 5.1 When part-time service is rendered, it shall be the duty of the appointing authority to certify to the Director on each notice of appointment or change in status of the employee, the ratio of time rendered by such part-time employee to that rendered by full-time employees of the organization unit.
- 5.2 When an employee is employed for part of a pay period, compensation shall be allowed for the proportionate time he is employed. When part of a day or a short period of time is lost while the employee remains on the payroll, and no authorized leave with pay is allowed, deduction shall be made for the hours lost from the total hours constituting full time for the pay period. (amended June 12, 1957)

Section 6. USE OF CLASS TITLES

- 6.1 The title of each class shall be the official title of every position allocated to the class, for all purposes having to do with the position as such, and shall be used to the exclusion of all others on all payroll, budget estimates, and official records and reports pertaining to the position. However, any abbreviation or code symbol approved by the Director may be used to designate a position of a class, and any other title satisfactory to the appointing authority may be used in official correspondence and in any other connection not having to do with personnel processes covered by the Law and these Rules. No employee shall be appointed, employed, or paid under any title other than that of the class to which the position occupied by him/her is allocated.

Section 7. MAINTENANCE AND ALLOWANCE

- 7.1 In any case in which any allowance is provided in addition to cash salary, such as meals, lodging, living quarters, laundry, and the like, including maintenance provided for others on behalf of the employee, but not including reimbursement of actual and necessary expenses authorized and incurred as incidents to the employment, all such allowances shall be treated as compensation in kind, involving part payment of the amount payable under the rate prescribed and shall be deducted from the money amount payable to the extent of their cash value, as appraised by the Director.

Section 8. LONGEVITY PAY INCREASES (Amended December 13, 2001, approved by Council February 6, 2003, to be effective January 1, 2002)

- 8.1 Uniformed fire suppression, fire communications and fire prevention personnel who have had three (3) years of continuous service with the Fire Department shall receive an increase in salary of two (2) percent and shall thereafter receive an increase in salary of two (2) percent for each year of additional service up to and including twenty (20) years. Both the base pay and accrued longevity shall be used in computing such longevity pay. (Amended December 13, 2001, approved by Council February 6, 2003, to be effective January 1, 2002)
- 8.2 Increases in salaries above the normal rate of pay as provided for elsewhere in these Rules shall be granted to employees in accordance with the conditions listed below:
- (a) All employees having more than one (1) but less than five (5) years of consecutive service under current employment shall receive two one and one quarter (1.25%) increases over their normal rate of pay.
 - (b) All employees having more than five (5) but less than ten (10) years of consecutive service under current employment shall receive two one and one quarter (1.25%) increases over their normal rate of pay.
 - (c) All employees having more than ten (10) but less than fifteen (15) years of consecutive service under current employment shall receive two one and one quarter (1.25%) increases over their normal rate of pay.

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- (d) All employees having more than fifteen (15) but less than twenty (20) years of consecutive service under current employment shall receive two one and one quarter (1.25%) increases over their normal rate of pay.
- (e) All employees having more than twenty (20) but less than twenty-five (25) years of consecutive service under current employment shall receive two one and one quarter (1.25%) increases over their normal rate of pay.
- (f) All employees having more than twenty-five (25) years of consecutive service under current employment shall receive two one and one quarter (1.25%) increases over their normal rate of pay.
- (g) After having completed the twenty-fifth (25) year of consecutive service under current employment, all employees shall receive two one and one quarter (1.25%) percent over their normal rate of pay and for each ensuing five (5) year segment of consecutive service thereafter. (Adopted December 21, 1989, ratified by the City Council December 28, 1989, effective January 7, 1990 by Council Motion —89-560; amended September 27, 1990, adopted by Council March 4, 1999, effective March 28, 1999)

For purposes of implementation, this formula shall be cumulative, but thereafter it shall operate with the completion of the specified periods of time.

(adopted September 11, 1980, effective March 29, 1981, amended December 21, 1989, April 20, 1995, approved by Council March 4, 1999, effective March 28, 1999)

Section 9. OVERTIME

- 9.1 Pursuant to the provisions of the Fair Labor Standards Act, non-exempt employees shall be paid overtime at their appropriate rate of not less than one and one-half (1 ½) times their rate of pay for each hour worked in a work period in excess of the maximum hours allowable, which are applicable to the type of employment in which the employee is engaged. (amended April 19, 1983, October 23, 1985 effective April 13, 1986)
- 9.2 Pursuant to the specific provisions of 29 U.S.C., Section 207 (k):
 - (a) any non-exempt employee engaged in law enforcement activities shall be paid overtime at the special hourly base rate for all hours worked in excess of eighty-five and a half (85.5) hours in a fourteen (14) day work.(adopted by Commission December 16, 2002, approved by the Council June 5, 2003, effective July 13, 2003)
 - (b) any non-exempt employee engaged in fire protection activities shall be paid overtime at the special hourly base rate for all hours worked in excess of two hundred and twelve (212) hours in a twenty-eight (28) day work period. (amended October 23, 1985, ratified by the Council October 24, 1985, effective April 13, 1986)

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- (c) any non-exempt employee not covered by Section 9.2 (a) and (b), who receives state supplemental pay and/or city millage, shall be paid overtime worked in excess of forty (40) hours in a work period. (adopted April 19, 1990, approved by the City Council May 3, 1990, effective May 3, 1990)
- 9.3 Pursuant to the specific provisions of 29 U.S.C., Section 207 (a), any non-exempt employee shall be paid overtime at the regular hourly base rate for all hours worked in excess of forty (40) hours in a seven (7) consecutive day work period. (amended October 23, 1985, ratified by the Council October 24, 1985, effective April 13, 1986)
- 9.4 Annual leave, sick leave, civil leave, military leave, maternity leave, as well as all other forms of leave, and official and unofficial city holidays will not be counted as hours worked toward the computation of overtime at the completion of the maximum allowable hours in the respective work period. (amended October 23, 1985, ratified by the Council October 24, 1985, effective April 13, 1986, amended April 17, 1986, ratified by the Council June 5, 1986, effective June 5, 1986)
- 9.5 If it becomes necessary for a non-exempt employee to work on an official city holiday as designated by the City Council, the appointing authority should adjust the employee's work schedule to allow another day off during that work period as a substitution for the holiday. If such a substitution is not possible, then for working on the holiday the employee shall be paid double time. Under no circumstances shall an employee receive pay less than an amount equal to straight time for all hours worked plus holiday pay as established in Rule X, section 1.2. However, on New Year's Day, Mardi Gras, Independence Day, Labor Day, Thanksgiving Day, Christmas Day or on their days of observance as officially designated by the City Council, employees who are required to work shall be paid double time and one-half. Under no circumstances shall an employee receive less than an amount equal to time and one-half for all hours worked, plus holiday pay as established in Rule X, Section 1.2 (amended October 23, 1985, ratified by the Council October 24, 1985, effective April 13, 1986)

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- 9.6 Non-exempt employees who are required to be "on call" are not eligible for additional monetary compensation, if such employees have the freedom to go from place to place to pursue their own interests by either leaving a telephone number where they can be reached or being able to be reached via radio, "beeper", etc. If the employee has been contacted and is required to report to work, reasonable travel time to and from the place of work is to be included as compensable hours of work. (amended October 23, 1985, ratified by the Council October 24, 1985, effective April 13, 1986)
- 9.7 (a) Effective January 1, 1978, advance approval must be obtained from the Civil Service Department if an employee is expected to exceed 14 hours of overtime in a work week, whether regularly scheduled or otherwise. Effective January 1, 1979, advance approval must be obtained from the Civil Service Department if an employee is expected to exceed 8 hours of overtime in a work week, whether regularly scheduled or otherwise. (amended July 14, 1977 and effective February 26, 1979.)
- (b) Advance approval shall not be required in emergency situations. An emergency situation is defined as an unexpected, unforeseen event endangering life or property, which demands immediate action or attention to remedy. (amended July 14, 1977 and effective February 26, 1979.)
- 9.8 Employee in classifications of work whose duties are executive, administrative or professional in nature are not eligible for overtime compensation. In the future, as new classes are established or existing classes are modified, the applicability of this section thereto shall be determined by the Director. (amended April 27, 1977 and effective February 26, 1979.)
- 9.9 If a City department or agency has a highly unique work schedule which makes compliance with a section of this Rule unworkable, the appointing authority shall submit an alternate overtime proposal accompanied by a detailed justification for this variation to the Commission for its consideration. No variation to the standard overtime regulation shall be operative unless approved in advance by the Commission.
- 9.10 Under no circumstances shall an employee be permitted to work in excess of 728 hours of overtime in the 1978 calendar year, or in excess of 416 hours of overtime in any calendar year thereafter.

(RULE IV)

- 9.11 Each agency shall submit to the Civil Service Department, on a quarterly basis, a detailed quarterly projection of activities requiring overtime, ranked by priority, accompanied by estimated manpower needs and realistic cost projections. (adopted April 27, 1977, effective February 26, 1979.)

(adopted April 27, 1976, amended April 19, 1983, October 23, 1985, effective April 13, 1986; amended April 19, 1990)

Section 10. MAXIMUM TOTAL COMPENSATION

- 10.1 At no time shall an employee's total compensation exceed that which is authorized under the provisions of Rule IV of the City Civil Service Commission Rules. (amended April 27, 1977, effective February 26, 1979.)

Section 11. EMERGENCY RATE OF PAY

- 11.1 If it becomes necessary for an employee (exempt and non-exempt) to work on any day when the Mayor of New Orleans has declared an official emergency and has requested that only essential employees report to work, the appointing authority should adjust the employee's work schedule to allow another day(s) off during that work period as a substitution. If such a substitution is not possible, then, for working at such time, the employees shall be paid at a rate of one and one-half (1 ½) times their normal rate. This pay is to remain in effect until the Mayor announces the state of emergency has ended or an announcement is made that City offices are open for business and employees are to report to work, whichever comes first.

(Section 11.1 adopted March 28, 1996, ratified by the Council April 18, 1996, amended May 15, 2006, adopted by the Council May 25, 2006, effective June 1, 2006)

Section 12. INCENTIVE PAY

- 12.1 As an integral part of a pilot program in the Sewerage and Water Board to increase productivity and enhance work performance, special monetary compensation in the form of incentive pay shall be awarded to employees on a quarterly basis for meeting specified goals and objectives, which have been quantified and applied in a fair, objective and uniform fashion to all employees involved.(amended September 21, 2000, adopted by Council October 5, 2000)

RULE V

EXAMINATIONS

(amended March 15, 1956, June 13, 1956, April 3, 1972, July 6, 1972, January 30, 1974, June 13, 1974, July 22, 1975, February 28, 1979, November 13, 1980, October 8, 1981, October 26, 1982, May 12, 1983, August 25, 1983, November 10, 1983, February 13, 1986, January 21, 1988, January 24, 1989, August 24, 1989, December 21, 1989, December 31, 1992, January 20, 1994, March 17, 1994, approved February 16, 1995, effective March 1, 1995, amended June 2, 1997, November 20, 1997, February 25, 1999, April 29, 1999, September 17, 2001, December 18, 2006, February 28, 2007)

Section 1. APPOINTMENT OF EXAMINERS

- 1.1 The Director may select officers or employees in the city service to act as examiners in the preparation and rating of tests. An appointing authority shall excuse any employee in his division from his regular duties for the time required for his work as an examiner. Officers and employees shall not be entitled to extra pay for their service as examiners, but shall be entitled to reimbursement for necessary traveling and other expenses.
- 1.2 The Director may, for the purpose of assisting in the examination of candidates for positions of high responsibility and positions requiring unusual qualities or qualifications, retain the services of persons from within or without the state who, because of their experience or for other reasons, have special acquaintance with the qualities requisite for such positions.

Section 2. ADMISSION TO EXAMINATIONS

- 2.1 Applicants for all original entrance examinations must be "domiciled in Orleans Parish" unless this requirement is specifically waived on the announcement. (amended July 6, 1972, January 30, 1974, January 20, 1994)
- 2.2 Where tests are given in series and the higher tests include all parts of the lower tests, competitors who fail to qualify as eligibles for the class for which the tests were taken may be rated with reference to their eligibility for a lower class or classes in the series.
- 2.3 Unless a maximum age limit is specified on an examination announcement, there shall be no maximum age limit for the purpose of applying for Civil Service examinations. (amended June 13, 1974; February 28, 1979; January 21, 1988, effective February 1, 1988)

(RULE V)

- 2.4 The Director shall fix requirements of training, residence, age, health, skill, education, or other qualifications for admission to examination. Such qualifications must be possessed by any applicant by the final filing date for each examination unless otherwise specified on the official announcement.
- 2.5 The Director shall give public notice of each entrance examination at least two (2) weeks in advance of the test by posting a notice thereof on the bulletin board maintained in or near the office of the Department and by publishing a brief abstract of the notice in the official journal of the City and in such other manner as is considered appropriate.

The Director may also advertise examinations in newspapers, professional and trade publications, post notices thereof in schools and colleges, and employ any other methods of publicizing examinations which are considered appropriate.

- 2.6 The Director shall reject any application filed after the time fixed for closing receipt of applications, or after a specified number of applications, announced in the public notice of the tests, has been received.

The Director, subject to the Rules, may reject the application of any person for admission to any test of fitness, or refuse to test any applicant, or may cancel the eligibility of any eligible on any employment list, who is found to lack any of the qualifications prescribed as requirements for admission to the tests for the class for which he has applied or because his character or reputation is deemed unfit for employment in that class, or who is addicted to the habitual use of drugs or intoxicating liquors to excess, or who has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has made a false statement of any material fact, or has practiced or attempted to practice deception or fraud in his application or his tests or otherwise in securing eligibility for appointment or attempting to do so. Any such facts shall also be considered cause for removal of any employee.

- 2.7 The time fixed for closing receipt of application shall be the close of business on the date announced in the public notice of examinations. Applications received in the office of the Department of City Civil Service after this time shall be rejected.

Section 3. CONTINUOUS EXAMINATIONS

- 3.1 The Director may, subject to these Rules, hold examinations for which no final filing date has been set, which will be given on more than one date, and from which the resulting employment list is an open list. In providing means by which continuous examinations for a class of positions shall be held, the Director may determine the length of time to be elapsed before a candidate may reapply for an examination for which he failed to qualify as an eligible.

Section 4. RESULTS OF EXAMINATIONS

- 4.1 Open lists. The order of names on an open list, and the period for which an eligible's name shall remain on an open list, shall be governed by the following: (1) the period of eligibility for each person on such lists shall be one year unless extended in accordance with Section 5.3 of this Rule; (2) eligibles shall be listed on the employment list in accordance with their highest rating or re-rating on the examination.
- 4.2 The Personnel Director shall keep the scored answer sheets and other documents of candidates of a period of at least thirty (30) days after the notification of test results. Candidates may inspect their answer sheets for written multiple choice examinations for thirty (30) days after notification of test results. The Director reserves the right to determine the nature, form and extent of the review based upon the characteristics of the particular exam and the likelihood that the exam or portions of the exam will be used again. Persons requesting an opportunity to review their results shall arrange for an appointment in the manner and on the forms prescribed by the Director. (amended May 24, 1990, effective May 24, 1990)
- 4.3 A manifest error in rating a test, or in the publication of an examination announcement, shall be corrected if called to the attention of the Director within one month after the establishment of the list, but such correction shall not invalidate any appointment previously made from such list. If the error is identified during the examination process, the Director shall halt further steps in the examination process until a determination is made regarding the effect of the error. Any errors identified on a list of eligibles shall be corrected whenever discovered during the life of the register without effect on any appointments previously made. (amended November 13, 1980)
- 4.4 In any instance where the number of candidates for a position far exceeds the number of existing vacancies in the classified service, the Director may set forth a predetermined number to be used in deciding on the number of candidates to be placed on an employment list.

(Section 4 amended October 26, 1982, May 24, 1990)

Section 5. ESTABLISHMENT OF PROMOTION LISTS AND EMPLOYMENT LISTS (amended July 25, 2001)

- 5.1 On every competitive promotion list and employment list, the eligibles shall be ranked in the order of their ratings earned in the examination given for the purpose of establishing the list. The Director may determine that ratings earned in the examination shall be divided into bands. Bands shall be established based on psychometric properties of the test score distribution or on job analysis information. All scores falling within a given band shall be considered tied. (amended October 26, 1982, effective October 26, 1982, January 20, 1994)
- 5.2 The Director shall determine at the time any promotion list or employment list is established, the period during which the list shall remain in force, which shall not be less than one year nor more than three years at the discretion of the Personnel Director. (amended January 24, 1989, effective January 24, 1989, March 17, 1994)
- 5.3 Any period during which any list may remain in force may be extended by the Director for a period no longer than three years from the date of the original establishment thereof. The Civil Service Commission may extend such lists for up to an additional two (2) years. (amended January 24, 1989, effective January 24, 1989)
- 5.4 Combining lists: When establishing a list for a class for which a list already exists the following conditions shall apply: (amended July 25, 2001)
 - a) If the current list has not been in force at least one year, the names on the current list shall precede those on the new list until the current list has been in force for one year.
 - b) If the current list is extended beyond the one year minimum required by the Law and the same test was used to create both lists, the names on the current and new lists shall be placed on one list arranged according to examination score. If the name of any individual appears on both the current and new lists, his standing on the combined list shall be determined by the highest score obtained on either of the examinations.
 - c) If the current list is extended beyond the one year minimum required by the Law and the tests used to create the lists being combined are not the same, names on the new list shall precede those on the current list.
 - d) In any case that lists are combined, names from the current list shall be removed from the combined list at the time the current list is allowed to expire. In any case that banded lists are combined, the number of the band is considered the examination score.

- 5.5 Selective certification list: Upon the prior request of an appointing authority or on his own initiative, the Director may establish a list for a part of a class, if in his judgment it is advisable for the good of the service to certify to some positions in the class only eligibles who have qualifications of age, sex, residence, physical characteristics, physical condition, training, experience, specialized knowledge, specialized manual skill, facility in the use of a foreign language, possession of a license, possession of paraphernalia, equipment or facilities, or other qualifications, which are not required in all positions of the class.
- 5.6 Promotion lists: Such lists may be established on a service-wide, or a departmental-wide basis as determined by the Director in cooperation with the appointing authorities.

Section 6. POSTPONEMENT AND CANCELLATION OF TESTS

- 6.1 In the event that a sufficient number of qualified candidates have not made application for a test, the Director may postpone the final filing date and the date of tests or cancel the tests or any of the parts thereof, and shall, in each case, give suitable notice thereof to the applicants.
- 6.2 In the event that budgetary or other changes render the establishment of a list of eligibles unnecessary, the Director may cancel the examination at any stage of the process, provided notice thereof is made to all applicants. (adopted November 13, 1980)

Section 7. REMOVAL OF NAMES FROM LISTS

- 7.1 Names of eligibles shall be removed from an eligible list by operation of any of the following causes:
- (a) Refusal of three offers of appointment under conditions previously listed by the eligible as acceptable.
 - (b) Appointment through certification from such list to fill a permanent position.
 - (c) Appointment through certification from the eligible list for another class at the same or higher compensation. In such case, at the request of the appointee, his name may be continued on, or restored to, any or all lists other than the one from which the appointment was made, for the remainder of the period of eligibility on such list.

(RULE V)

- (d) Filing of a statement by the eligible that he is not willing to accept appointment. Such statement of unwillingness may be restricted to a limited period of time, or to geographic locations, or positions involving other conditions of employment, as specified. The name of the eligible shall then be treated as not available and shall be passed over in certification to fill the vacancy under the conditions specified as though such name did not appear on the list. Any eligible may renew his eligibility at any time during the life of the eligible list by filing a new statement as to the time, place, or other conditions under which appointment will be accepted.
- (e) Failure to respond, within the time specified in the notice, to any inquiry of the Director or appointing authority if satisfactory evidence is not furnished justifying such failure to respond.
- (f) Failure to report for work after accepting appointment.
- (g) Expiration of the term of eligibility on an eligible list.
- (h) Notice by postal authorities of their inability to locate an eligible at his last known address.
- (i) Death of an eligible.
- (j) Loss of citizenship.
- (k) Review of eligibility of an eligible who is found to lack any of the qualifications prescribed as requirements for admission to the tests for the class for which he has applied, or who is physically unfit to perform effectively the duties of a position of the class, or who is addicted to the habitual use of drugs or intoxicating liquors to excess, or who has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct or who has been dismissed from the public service for delinquency or misconduct, or who has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his application or in his tests or otherwise in securing eligibility for appointment or attempting to do so.

Section 8. NON-COMPETITIVE EXAMINATIONS(amended September 17, 2001)

8.1 In accordance with Article X, Section 7 of the Constitution, the Personnel Director, by and with the approval of the Civil Service Commission, may hold non-competitive entrance and promotional examinations in the following classes of work and under the following conditions when he deems it impractical to hold competitive examinations:

- (a) Entrance examinations for classes of work to be defined by the Personnel Director and published as a non-competitive minimal skills series, such classes to be limited to those having no administrative or supervisory responsibilities and requiring minimal verbal or clerical skills for proper performance of duties. (amended May 12, 1983, effective May 12, 1983, amended February 13, 1986, effective February 13, 1986)
- (b) Entrance and promotional examinations where highly specialized professional or technical training is required, provided such training can be adequately demonstrated by possession of related certificates.
- (c) Promotional examinations where the appointing authority requests a non-competitive examination for the reasons that experience in a particular division or section of the department is a necessity for competence in a position. Such requests must be made in writing and must receive the approval of the Personnel Director.
- (d) In the following specific classes of work until such time as the Commission withdraws permission or the Personnel Director recommends that competitive examinations are practicable: (amended July 18, 1991, February 14, 1997, September 17, 2001, December 18, 2006)

Account Technician
Administrative Support Specialist I
Administrative Support Specialist II
Administrative Support Specialist III
Administrative Support Manager I
Administrative Support Manager II
Administrative Support Manager III
Automotive Mechanic I
Automotive Mechanic II
Automotive Mechanic III
Bookbinder I
Bookbinder II
Cemetery Attendant I
Cemetery Attendant II
Clerk III
Clerk IV

Community Service Worker I
Community Service Worker II
Custodian II
Duplicating Machine Operator I
Duplicating Machine Operator II
Equipment Operator I
Executive Secretary
Firefighter I
Firefighter II
Food Services Worker
Gardener I
Gardener II
Groundskeeper I
Information Processing System Coordinator
Information Processor Operator
Information Processor Operator, Trainee
Information Processor Operator Supervisor
Institution Houseparent I
Institution Houseparent II
Institutional Counselor I
Laboratory Technician Trainee
Law Clerk
Lead Programmer - Analyst
Legal Stenographer
Licensed Practical Nurse I
Licensed Practical Nurse II
Maintenance Worker
Medical Services Aide
Municipal Field Worker
Municipal Youth Worker
Office Assistant II
Office Assistant III
Office Assistant IV
Office Support Specialist
Office Worker Trainee
Parkways Maintenance Specialist
Plant Attendant
Police Officer I
Police Officer II
Police Officer III
Police Officer IV

Police Recruit
Recreation Leader
Refuse Station Worker
Scenery Designer I
Scenery Designer II
Secretary
Security Officer
Senior Clerk
Senior Data Entry Operator
Senior Food Services Worker
Senior Information Processor Operator
Senior Maintenance Worker
Senior Mechanic
Senior Office Support Specialist
Stenographer
Trades Trainee
Traffic Signal Technician I
Tree Trimmer
Utilities Maintenance Assistant Technician I
Utilities Maintenance Technician I
Utilities Pipe Specialist
Watch Engineer
Water Service Inspector I
Water Service Inspector II
Water Service Inspector III

(Amended April 3, 1972, August 19, 1976, April 27, 1977, March 16, 1978, October 8, 1981, May 12, 1983, effective May 12, 1983, August 25, 1983, November 10, 1983, March 13, 1986, February 24, 1988, July 18, 1991, September 17, 2001, December 18, 2006)

Section 9. SUBSTANCE-ABUSE TESTING (adopted August 24, 1989, effective September 1, 1989, amended December 21, 1989, September 27, 1990, adopted December 17, 1992, effective December 31, 1992, approved February 16, 1995, effective March 1, 1995, amended June 2, 1997, effective June 2, 1997, amended February 25, 1999, effective March 1, 1999, amended February 28, 2007, effective February 28, 2007)

9.1 In order to protect the health, welfare and safety of the public, co-workers and the individual employee, heighten efficiency and effectiveness of service to the public, and insure the continued integrity of the merit system, a comprehensive program of substance-abuse testing of applicants and employees shall be undertaken in accordance with the provisions of this Rule.

(RULE V)

- 9.2 All individuals who apply for original entrance examinations to fill positions in the classified service of the City shall voluntarily submit to the substance abuse screening procedure as a qualifying condition of eligibility for completing the examination process.
- 9.3 At the appropriate stage of the examination procedure, determined by the nature and degree of sensitivity of the position for which application has been made, the substance abuse testing procedure shall be conducted in the following manner:
- (a) Positions that require carrying a firearm and continuing certification in its proper use shall be termed security sensitive positions per se (Category I), and all applicants for such positions shall be required to successfully complete a pre-employment substance abuse screening, as well as post-employment substance abuse screening during the probationary (working test) period. (amended September 27, 1990)
 - (b) Positions where the safety of the public, co-workers and the individual employee are at risk, shall be termed safety sensitive positions (Category II), and all applicants for such positions shall be required to successfully complete a pre-employment substance abuse screening, as well as post-employment substance abuse screening during the probationary (working test) period. (amended September 27, 1990)
 - (c) Applicants for all other positions, who are currently not city employees, shall be required to successfully complete a pre-employment substance abuse screening, as well as a post-employment substance abuse screening during the probationary (working test) period. (amended June 2, 1997, effective June 2, 1997)
- 9.4 Refusal to participate in the substance abuse screening procedure, or failure to undergo the screening procedure at the time and place designated for testing, or tampering with or attempting to adulterate the sample, shall be considered to be presumptive evidence of the individual's inability to pass the substance abuse testing procedure.
- 9.5 Any individual who either does not pass the pre-employment substance abuse screening procedure, or who does not undergo the pre-employment screening procedure at the prescribed time and place designated for testing, or tampers with or attempts to adulterate the sample, shall be considered as having failed that portion of the examination procedure.

Any individual who either does not pass the post-employment substance abuse screening procedure, or who does not undergo the post-employment screening procedure at the prescribed time and place designated for testing, or tampers with or attempts to adulterate the sample, shall be considered as having failed to successfully complete the probationary (working test) period.

(RULE V)

9.6 Any employee who has been terminated for failure to successfully complete the substance abuse screening procedure, may again seek employment with the City in accordance with the following procedure:

- (1) Persons having achieved permanent status in a classification may be reinstated with probationary status to any class where they successfully completed the working test period.
- (2) Persons having previously attained permanent status in a classification, as well as those terminated during their probationary periods, may have their names restored to employment registers still in existence.
- (3) In addition to the aforementioned groups, any individual may make application for employment with the City pursuant to the provisions of Rule V, Section 2., Admission to Examinations.

Persons seeking employment with the City under the provisions of this section of the Rules, must submit documentation of their successful completion of a certified treatment program and continuing participation in an aftercare program, and agree in writing to voluntarily submit to unannounced substance abuse testing for a period of 24 months, if ultimately employed by any agency of City government. (adopted December 17, 1992, effective December 31, 1992)

9.7 The Director shall determine the appropriate laboratory to perform the substance abuse testing, subject to their compliance with the following criteria:

- (a) The laboratory uses the best available technology for insuring the full reliability and accuracy of substance abuse testing procedures.
- (b) The laboratory employs strict procedures governing the chain of custody of samples collected for substance abuse testing to insure the integrity of each screening sample by carefully tracking its handling from the point of collection to final disposition of the sample.
- (c) The laboratory issues reports of positive test results only where an initial positive test resulting from enzyme multiplied immunoassay technique (EMIT) screening is confirmed by a separate procedure such as thin layer chromatography or gas chromatography/ mass spectrometry.
- (d) The laboratory guarantees a minimum confidence level of 95%, by which is meant no false positive results and less than 5% false negative results.

(RULE V)

- (e) The laboratory maintains strict confidentiality of all sample results so that at no time will the laboratory release results from any substance abuse test to anyone except an authorized representative of the Civil Service Commission.
 - (f) The laboratory agrees in writing to hold the City of New Orleans harmless against any liability resulting from the laboratory's failure to comply with these or other governmental standards. (amended September 27, 1990)
 - (g) The laboratory has obtained certification from the Substance Abuse and Mental Health Services Administration (SAMHSA) and operates in accordance with those standards (amended and effective February 28, 2007).
- 9.8 An appointing authority, after having submitted sufficient justification for its request, may petition the Commission to grant approval for substance-abuse testing as an integral part of the promotional examination. If the Commission's approval is obtained, then the provisions of Sections 9.3, 9.4 and 9.5 of this Rule shall likewise apply.
- 9.9 The Director, after consultation with representatives of appropriate health and human services groups, law enforcement officials, appointing authorities, and other interested parties, shall prepare and maintain a list of substances for which testing shall be employed, as well as specific detection levels that are compatible with governmental requirements and consistent with standards normally acceptable within the industry.
- 9.10 At the time of the collection of the sample, an employee, at his or her expense, may request that a portion of this sample be made available for a separate, confirmatory test at another laboratory, which is likewise certified by the Substance Abuse and Mental Health Services Administration (SAMHSA). At all times during the process of sample transportation, testing and storage, a strict chain of custody of the sample must be maintained in accordance with acceptable industry standards, and approved by the City's Medical Review Officer. Results of this additional test shall be sent to the employee and the City's Medical Review Officer. (approved February 16, 1995, effective March 1, 1995, amended and effective February 28, 2007)
- 9.11 All employees who occupy positions that have been determined by the Civil Service Department to be either: a safety sensitive position (Category II); a security sensitive position per se (Category I); and appointing authorities who have such personnel in their employ, shall participate in a screening procedure for substance abuse in accordance with the following requirements:

(RULE V)

- (a) Based upon the level of funding allocated for substance abuse testing by the City Council and after consultation with the Chief Administrative Officer of the City, the Director shall determine the frequency of the testing to be instituted each year, for all employees in Category I and II positions, in accordance with the following preference: random, routine (annual), periodic, intermittent. (amended September 27, 1990)
 - (b) Times and dates of test shall not be announced in advance.
 - (c) Each appointing authority having personnel in Category I and/or Category II positions in their employ shall be responsible for the formulation of a reasonable plan for the selection and transportation of personnel to and from the collection and/or testing site.
- 9.12 An employee shall be required to participate in the substance abuse screening procedure if there exists reasonable suspicion (Category III) to believe that the employee's fitness for duty is questionable, based on the following criteria:
- (a) Any observable, work-related behavior or similar pattern of conduct that appears to be abnormal, erratic or otherwise not in conformance with acceptable City policy.
 - (b) Any observable, work-related behavior or similar pattern of conduct that indicates signs of impairment in normal sensory and/or motor body functions.
 - (c) Any articulable facts or evidence that indicate possible substance abuse on the job.
 - (d) Any information or evidence that warrants, or emanates from, an authorized investigation of possible drug-related activity by a specific individual or group.
 - (e) Any pattern of alcohol and/or drug-related behavior, conduct or activity that is violative of municipal, state or federal law.
- 9.13 All employees in safety sensitive and security sensitive positions, and all other employees who may be called upon to operate equipment in the ordinary scope of their employment shall be required to participate in the substance abuse screening procedure if the employee is involved in an on-the-job accident, sustains an on-the-job injury, or is associated with a "near-miss" on-the-job incident (all these examples are included in Category IV). For purposes of this Rule:

(RULE V)

- (a) The term "accident" refers to any occurrence which requires treatment by qualified medical personnel, causes injury or fatality, produces damage to property or material, or interrupts and/or terminates scheduled work assignments.
- (b) The term "near-miss" refers to any incident which might have resulted in an "accident" (as defined above) but for the intervention of some special action, circumstance or event, and which was caused to any degree by violation of safety rules or procedures, by careless or negligent conduct or by the failure to use prescribed personal protective equipment.

Each appointing authority having personnel in their employ who are the subject of Category IV testing, shall be responsible for the transportation of personnel to and from the collection and/or testing site within a reasonable period of time after the accident, injury or incident occurs. Failure of the employee to participate in the substance abuse screening procedure in a timely manner may result in the forfeiture of coverage under the provisions of Rule VIII, Section 2.1 (d), (e), and/or (f). (amended February 25, 1999, effective March 1, 1999)

- 9.14 The identity of each employee participating in the substance abuse screening procedure shall be verified by picture identification. If circumstances make such identification too onerous, the employee's identity may be confirmed by the designated representative of the appointing authority who knows the employee's identity.
- 9.15 Upon receipt of written confirmation from the laboratory on a positive test result of an employee, the Director shall forward this information to the City's medical review officer for further consideration. The medical review officer shall certify in writing to the Director either the validation of the test results or the reasons that the test results should be discounted. Accordingly, the Director shall inform the employee and the appointing authority of this determination, including the positive test results when verified by the medical review officer, or the Director shall inform the employee and the appointing authority of all positive test results, or of the employee's conduct pursuant to the provisions of Section 9.4 of this Rule. Upon receipt of this information, the appointing authority shall take such action as in its discretion is deemed appropriate, after giving deference and consideration to such factors as:

(Section 9.15 amended September 27, 1990, amended November 20, 1997, effective December 1, 1997)

(RULE V)

- (a) The nature of the position occupied by the employee, (i.e., sensitive per se, sensitive, or non-sensitive).
- (b) The basis for which the substance abuse screening procedure was administered, (i.e., working test period, Category I, II, III, IV, V testing).
- (c) The employee's fitness for duty.
- (d) The nature and quality of the employee's performance on the job.
- (e) The employee's length of service with the City.
- (f) The severity of the employee's substance abuse problem.
- (g) The employee's acknowledgment of the substance abuse problem and willingness to seek assistance.
- (h) The existence of previous attempts at rehabilitation and their results.
- (i) The prospect of reasonable refusal by co-workers to work with the employee if the individual were allowed to remain in the City's employ.
- (j) The prospect of the employee being unable to effectively perform the job as a viable member of the organization because of loss of credibility due to substance abuse problems.
- (k) Other relevant facts or information that the appointing authority may obtain which have a bearing on continuing the individual's employment with the City.

9.16 If, after thorough consideration, the appointing authority determines that rehabilitation rather than termination is the appropriate course of action, the employee's continued employment with the City will be conditioned on the following criteria:

- (a) Enrollment in and successful completion of a certified rehabilitation program.
- (b) The rehabilitation program is in conformance with the standards normally acceptable within the health-care industry.

(RULE V)

- (c) The individual's rehabilitation program is comprised of one or more components such as treatment, counseling, recovery and after-care service, depending upon the nature and severity of the employee's substance abuse problem.
- (d) The employee agrees in writing to remain alcohol and drug free and to undergo unannounced, post-treatment substance-abuse testing (Category V), for a period not to exceed 24 months from the date of re-entry into active work status with the City.

Failure of the employee to agree to and/or comply with these conditions shall constitute adequate grounds for the appointing authority to invoke the provisions of Rule IX, Section 1, Maintaining Standards of Service.

- 9.17 Unless otherwise specified, the provisions of Section 9.4 of this rule shall apply to all individuals and/or employees who are designated for substance abuse rehabilitation procedures pursuant to Section 9 of this Rule.

(Section 9.11 through 9.17 adopted December 21, 1989, effective January 1, 1990)

RULE VI

VACANCIES, CERTIFICATION & APPOINTMENT

(amended June 13, 1956, April 1, 1966, April 14, 1966, July 6, 1972, June 13, 1974, July 22, 1975, August 9, 1979, November 12, 1981, October 26, 1982, April 12, 1983, May 12, 1983, January 21, 1988, February 24, 1988, September 21, 1989, September 27, 1990, August 19, 1993, April 20, 1995, April 29, 1999, June 19, 2006)

Section 1. FILLING OF VACANCIES

- 1.1 Vacancies in positions in the classified service may be filled by demotion, transfer, reinstatement, reemployment, promotion, original appointment, or temporary appointment.

Preference shall be given to the methods named in the order in which they are listed above, under the conditions and subject to the restrictions and limitations set forth in the Rules.

A vacancy shall be considered filled under any of the methods specified, and employment hereunder effective, as of the date on which the employee enters into the duties of the position, in accordance with the Law and the Rules.

- 1.2 Transfer. An employee may transfer to another position in the same class. This may occur within the same organizational unit or across organizational units. Each transfer requires the approval of both the employee's prospective appointing authority and of the Personnel Director. (amended April 20, 1995)

It is important to note that a transfer differs from other personnel actions such as Lateral Classification Change, Promotion and Demotion. These actions are defined in Rule I. (amended September 27, 1990, April 20, 1995)

Section 2. REQUEST FOR CERTIFICATION

- 2.1 Whenever an appointing authority proposes to fill a vacancy in the classified service, he shall submit to the Director a statement showing the position to be filled and the class and duties thereof, and he may also specify the necessary and desirable qualifications of the person to be appointed thereto.

- 2.2 Anticipation of need: Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the Director to determine who may be available for appointment, and, if necessary, to prepare a class specification, and to establish a list of eligibles.

- 2.3 Request for selective certification: When an appointing authority in his request for certification of eligibles for a position has specified necessary or desirable qualifications of candidates for appointment to the position, the Director shall certify from a list of eligibles having such qualifications, if the Director deems that the request has offered satisfactory evidence that the nature of the position to be filled warrants such certification. If it is necessary to hold a new examination to establish a list of a sufficient number of persons eligible for such selective certification, the Director may authorize provisional appointment, pending establishment of the eligible list, of one of the top three eligibles on an existing list for the class, or any person who demonstrates to the satisfaction of the Director that he possesses, in sufficient degree to have a good chance of passing the examination, the special qualifications on the basis of which the selective certification procedure is to be used.

The Director shall consider each request for selective certification on the basis of the facts in that particular instance. The burden of proof shall be on the appointing authority to prove to the satisfaction of the Director that selective certification is warranted. The Director may consider the cost of giving a special examination as a factor in determining whether selective certification is warranted.

Section 3. CERTIFICATION OF ELIGIBLES

- 3.1 Upon a request from an appointing authority to fill a position other than by demotion, transfer, or reinstatement, the Director shall certify to the appointing authority the names of three eligibles for such position of the class of the vacant position, and if more than one vacancy is to be filled, the name of one additional eligible for each additional vacancy. In cases of demotion, transfer or reinstatement, the Director shall approve or disapprove the name of the person submitted by the appointing authority.
- 3.2 (a) The eligibles certified shall be the highest ranking eligibles willing to accept employment, ranked in the following order: (1) all the eligibles on the appropriate reemployment list, if any; (2) those on a promotion list, if any; (3) those on an entrance employment list. All the names on any one of such lists shall be exhausted before any names are certified from another list, but the names certified may be taken from two or more lists if necessary to make a certification of three eligibles. Names shall be certified from each list in the order of their rank on that list.

(RULE VI)

- (b) The certification of eligibles from promotional and/or employment lists may be presented in the form of a single band. Names on the appropriate re-employment list, if any, shall be certified first. If fewer than three of these are willing to accept the position, then the top-ranking eligibles from the promotion list, grouped into a single band according to the established psychometric formula for that examination, shall be certified. If no promotional list exists, the same procedure shall be applied to the employment list. As those eligibles with the highest scores are eliminated through appointment or removal from the list, additional names will be added to the band as necessary to maintain the same range of scores within the band. (adopted June 23, 1988 effective July 1, 1988, October 1, 1989)
 - (c) Within 45 days after such names are certified the appointing authority shall appoint one of those whose names are certified to each vacancy which is to be filled. Requisitions which are not returned within this 45 day period shall be canceled. In each case of acceptance of an appointment, such appointment shall become effective as of the date on which the appointee enters upon duty in accordance with the Law and Rules. (amended May 12, 1983, effective June 1, 1983, May 24, 1990)
 - (d) If the appropriate lists do not contain the names of a sufficient number of eligibles willing to accept appointment to make possible the certification of three eligible persons, the names of all persons on such lists who are willing to accept appointment shall be certified.
- 3.3 Where fewer than three names are certified to fill a vacancy, the appointing authority may make his appointment from the names certified. If he does not wish to make an appointment from the names certified, the Director may authorize him to make a provisional appointment.
- 3.4 If the appointing authority passes over the name of an eligible on a register in connection with three separate appointments he has made from the register, written request may be made of the Director that the name of such eligible be omitted from any subsequent certification to the same appointing authority from the same register. The name of such eligible shall thereafter not be certified to him from that register for future vacancies in that class of positions.

(RULE VI)

- 3.5 When a vacancy is to be filled in a position of a class for which there are no eligibles available for certification, the Director, whenever practicable, may certify for appointment eligibles from another appropriate eligible register. Such appointment shall be probationary and the vacancy shall be deemed to be filled in accordance with the provisions of the Law and Rules.
- 3.6 Whenever a vacancy exists in the classified service and there exists a promotion list and a reemployment list, both resulting from the identical examination, names shall be certified to fill this vacancy in the order of the grades on the original examination for this position.
- 3.7 Subject to the provisions of Rule V, Section 7, the names of persons who have been appointed from lists to fill temporary vacancies shall be continuously certified to all permanent vacancies in the class or classes of positions from which they are eligible until such time as:
- (a) they are appointed to fill permanent vacancies, or
 - (b) their eligibility on the register or registers expires, or
 - (c) the factors affecting the temporary nature of appointments are removed.

(Section 3.7 amended February 24, 1988, effective March 1, 1988)

- 3.8 Any employee receiving a conditional appointment from a list of eligibles may upon request have his or her name returned to that list at any time during the life of said list. (adopted February 24, 1988, effective March 1, 1988)

Section 4. REINSTATEMENT AND REEMPLOYMENT

- 4.1 Reemployment lists shall consist of the names of persons who were separated from their positions for reasons other than fault or delinquency on their part, except as provided in Rule IX, and who, at the time of their separations, had attained permanent status in that class of positions in accordance with the Law and Rules. The order in which these names shall be ranked on the reemployment list shall be in accordance with their number of years of continuous city employment in that class of positions. In case two or more employees have equal service in that position, the person who has the greatest number of years of continuous service in city employment shall be ranked highest. Except as allowed in Rule XII, Section 6.1, no person may be certified from a reemployment list or be reinstated who has voluntarily retired; provided, however, a person who has voluntarily retired may be reinstated, with the approval of the Personnel Director, only to the position he last held, and in the event of his reinstatement, said employee waives all pension rights while so employed. (amended April 1, 1966, June 13, 1974, January 21, 1988, effective February 1, 1988, amended December 12, 2005, effective December 12, 2005)
- 4.2 The name of a regular employee who has been laid off shall be placed automatically on the appropriate preferred reemployment list for the class of positions which he occupied. His name shall remain on this list for a period of two years from the date of separation unless removed earlier by any of the provisions of the Law or Rule V, Section 7.1. Until his reinstatement or reemployment is effected within the department or organization unit from which he was separated, or until his period of eligibility has lapsed, his name shall be certified on a service-wide basis to vacancies in that class of positions.
- 4.3 Preferred reemployment lists shall precede general reemployment lists in certification, provided that persons on such lists meet the requirements and qualifications, to be determined by the Director, to perform the duties of the position involved.
- 4.4 A regular employee who has resigned from his position shall, upon his written request made within one year from the date of resignation, have his name placed on the appropriated reemployment list. Such name shall remain on that list for three years from the employee's resignation date unless removed sooner under any of the provisions of the Law or Rule V, Section 7.1. If appointed from a reemployment list, the employee returns with probationary status and must successfully complete a new working test period.

(RULE VI)

- 4.5 The name of a regular employee returning from military leave who is placed on a reemployment register in accordance with Rule VIII, Section 8.3 shall remain thereon for a period of two years unless removed sooner under any of the provisions of the Law or Rule V, Section 7.1.
- 4.6 A permanent employee who is terminated for inefficiency, delinquency, or misconduct may, within one year from separation, be reinstated with probationary status to a position for which he is qualified having the same or lower pay grade as the current pay grade for the class of position in which he had permanent status, if recommended by the appointing authority and approved by the Director. (adopted June 13, 1956, amended April 12, 1983, effective April 12, 1983; January 21, 1988, effective February 1, 1988; amended September 27, 1990)
- 4.7 Whenever a regular employee has been promoted to a higher classification, the employee shall be granted a promotional leave of absence from the position the employee formerly occupied until the individual acquires full Civil Service status in the higher class. Until the employee acquires permanent status in the higher classification, an appointing authority may fill the vacant position only through a conditional appointment. (amended November 12, 1981, effective December 1, 1981)

Should the employee be removed by the appointing authority during the probationary period from the position to which the employee had been promoted, the employee shall be reinstated to the former position, unless the removal is for disciplinary reasons of a nature to justify dismissal of a regular employee. When reinstated as herein authorized, the employee shall not be required to serve a new working test period.

- 4.8 (a) Any regular or probationary employee who has resigned from a position or has been terminated for reasons other than inefficiency, delinquency, or misconduct and has requested reinstatement to the same department and to any classification previously occupied, may, upon the request of the appointing authority and with the prior approval of the Personnel Director, based upon the record of the employee for satisfactory service, be reinstated to that position or any position where permanent status was previously held, within a period of three (3) years from the date of separation if a vacancy exists therein and upon the completion of a satisfactory medical examination if the separation was for medical reasons. (amended April 12, 1983, effective April 12, 1983, January 21, 1988, effective February 1, 1988, amended May 19, 1988, effective June 1, 1988, amended April 29, 1999)

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- 4.8 (b) However, if more than three years have elapsed, a former regular employee may apply for reinstatement only to the same department in the same classification as previously occupied, and subject to the following conditions:
- (1) The employee returns with probationary status and must successfully complete a new working test period.
 - (2) The minimum qualifications and job requirements for the classification have remained essentially the same. However, if the minimum qualifications and job requirements have been revised, then the former employee must meet the current criteria.
 - (3) In the event the former employee's personnel files are no longer in existence, it shall be the individual's responsibility to provide documentation to the Personnel Director, that he or she successfully completed the examination process and attained permanent status in the classification in question, and subsequently left the city service under honorable conditions.
- 4.9 For a period of three (3) years, a former employee who was separated as a result of layoff, who subsequently is reinstated under the provisions of this section, shall be considered as having had no break in service for longevity pay increases or leave accrual purposes. (adopted May 19, 1988, effective June 1, 1988, amended September 21, 1989, effective October 1, 1989, amended August 19, 1993, amended and effective June 19, 2006)
- 4.10 Any regular employee who has resigned from the classified service to enter public service in another jurisdiction may, upon the request of the appointing authority and with the prior approval of the Personnel Director, based upon the record of the employee for satisfactory service, be reinstated to the position from which the employee was separated, if a vacancy exists therein. Such reinstatement must be made within ninety (90) days of the individual's separation from the original position in the new jurisdiction which the individual entered after leaving the classified service. (amended November 12, 1981, effective December 1, 1981)

Section 5. CONDITIONAL AND TEMPORARY APPOINTMENT

- 5.1 When a position is temporarily vacated because the incumbent is on authorized leave of absence without pay for more than three (3) months, and the appointing authority desires to fill the position for the duration of the leave, he must do so by making a conditional appointment. Such appointment shall be in accordance with the provisions of Section 3 of this Rule. If an employee has been appointed to fill the position of a classified employee on leave of absence, he shall vacate the position when the employee on leave of absence returns. If the employee was appointed on a conditional basis by demotion or transfer, he shall be reinstated in his former position when the employee on leave of absence returns. If the employee was appointed on a conditional basis through certification from an employment list, he shall retain all rights he may have acquired by virtue of his service under the conditional appointment including, if he has completed his working test period, the right to have his name placed on a reemployment list, or if he has not completed his working test period, the right to have his name returned to the employment list from which his name was certified for conditional appointment, if the list still exists. He shall also be subject to all other provisions of these Rules not inconsistent with this paragraph.
- 5.2 Limited terms. Whenever the services of an extra employee are needed in any position in the classified service for a limited period of time, in the discretion of the Director, the names of eligibles on the appropriate list who are willing to accept appointment may be certified. In each case of acceptance of appointment, such appointment shall become effective as of the approved date and the vacancy shall be considered filled.
- 5.3 Temporary appointments to positions in the classified service may be made for short periods without compliance with the provisions of this part requiring certification, as follows:
- (a) Provisional appointments. When a vacancy is to be filled in a position of a class for which there are no eligibles available for certification, the appointing authority, with the prior approval of the Director, may make a provisional appointment. Appointment of such provisional shall be made only after submission of the name and qualifications of the intended appointee to the Director and such individual is approved for appointment. Such provisional appointment shall terminate upon the regular filling of the vacancy in any manner authorized under these Rules and, in any event, within fifteen working days after a certification from which appointment can be required. A provisional appointment shall never continue for a period in excess of one year unless it is extended by the Commission upon the Director's certification that eligibles are not available and that it is not possible or practicable to provide such eligibles.
 - (b) Transient appointment. Whenever the services of an extra or substitute employee are needed in any position in the classified service for a period of less than three months, the appointing authority, with the prior approval of the Director, may make a transient appointment of any person he deems qualified to serve for the period required.

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This appointment, with the prior approval of the Director, may be extended for a further period if required, but no person shall serve under a transient appointment from the same or different appointing authority for an aggregate period of more than three months in any continuous twelve month period.

- (c) Emergency appointment. Where an emergency exists requiring that a position be filled before appointment can be made under any other provision of these Rules, an emergency appointment may be made for any available person to serve until the position involved can otherwise be filled under the provisions of these Rules. No emergency appointment shall continue for more than ten days in any case, or be renewed for any further period beyond that limit. The authority for any emergency appointment is conditioned on a prompt report thereof to the Director, at the time the appointment is made.

RULE VII

WORKING TESTS

(as amended January 12, 1955, August 15, 1957, July 22, 1975, March 12, 1981, February 13, 1986, January 21, 1988, September 21, 1989, January 20, 1994, April 25, 1996)

Section 1. EMPLOYEES TO SERVE

- 1.1 Every person appointed to a position in the classified service after certification of his name from an original entrance employment list or a promotion list, shall be tested by a working test while occupying the position. At any time during his working test period, after the first two months thereof, the appointing authority may remove an employee if, in the opinion of the appointing authority, the working test indicates that (1) the employee is unable or unwilling to perform his duties satisfactorily or (2) his habits and dependability do not merit his continuance in the service; provided not more than three (3) employees shall be removed successively from the same position. Upon the removal, the appointing authority shall forthwith report to the Director and to the employee removed his action and the reason therefor. The appointing authority may remove an employee within the first two months of this working test period only with the approval of the Director. The Director may remove an employee during his working test period if he finds, after giving him notice and an opportunity to be heard, that the employee was appointed as a result of fraud or error. (as amended January 12, 1955)
- 1.2 If the duration of the working test period is not stated at the time of the announcement of the test for a class of positions, the working test period shall be six (6) months in duration.
- 1.3 Extension of time. The Personnel Director may, upon the written request of an appointing authority, with a copy to the employee, made not later than ten (10) days before the expiration of a working test period, extend the duration of such working test. No extension shall be allowed which would make the total working test period longer than one year in the same position under the same Appointing Authority. (amended January 21, 1988, effective February 21, 1988)
- 1.4 Failure by an appointing authority to give the ten (10) days prior written notice to the Personnel Director and a copy thereof to the employee shall have the same force and effect as a satisfactory report. Probationary appointments that begin or are extended on or after February 1, 1994, and were completed without the probationary appointment being terminated by the appointing authority, shall become permanent effective April 25, 1996. (amended April 25, 1996)
- 1.5 If an employee is removed from his position during or at the end of his working test period, and the Director determines that he is suitable for appointment to another position, his name may be restored to the list from which it was certified. If the employee was a regular employee in another position in the classified service immediately prior to his appointment, his name may be placed on the reemployment list for the class of positions in which he was a regular employee.

Section 2. INTERRUPTION OF WORKING TEST

- 2.1 If an employee is laid off during a working test period and subsequently reappointed by the same appointing authority from the same eligible list, he shall be given credit for the portion of the working test period completed before he was laid off.
- 2.2 If an employee is transferred during his working test period from a position under one appointing authority to a position under another appointing authority, the second appointing authority may in his discretion permit the granting of credit for the portion of the working test period previously completed.
- 2.3 If an employee is placed on military leave without pay while serving his working test period, he shall be given credit for the portion of the working test period completed before he was placed on military leave.
- 2.4 If an employee is appointed to a higher position in a like classification of work, or to a higher position in the unclassified service which position embraces essentially similar duties, responsibilities and consequent qualification requirements, before the completion of his working test period in a lower position, he shall be given credit for the uncompleted portion of the working test period if he remains in a higher position during a period equivalent to the unfinished portion. (amended August 15, 1957)
- 2.5 If an employee resigns while serving in his working test period, he may be reinstated, within a period of three years from the date of his separation, to a position in the same class from which he was separated. (amended September 21, 1989, effective October 1, 1989)
- 2.6 If reinstatement is not effected as herein provided, the person, with the prior approval of the Director, may be returned to the employment list from which he was certified.
- 2.7 The appointing authority may, in his discretion, permit the granting of credit for the portion of the working test period previously served under him or another appointing authority.

RULE VIII

ANNUAL AND OTHER FORMS OF LEAVE

(amended September 14, 1955, September 12, 1963, September 11, 1969, April 15, 1970, August 13, 1970, April 3, 1972, July 6, 1972, July 22, 1975, March 16, 1978, September 18, 1978, December 28, 1978, February 19, 1979, August 9, 1979 July 10, 1980, February 13, 1981, November 12, 1981, November 10, 1983, December 11, 1986, January 21, 1988, February 23, 1989, December 21, 1989, September 27, 1990, April 25, 1991, November 19, 1991, July 15, 1993, March 16, 1995 April 20, 1995, May 17, 1995, October 24, 1996, March 24, 1997, November 20, 1997, October 27, 2000, December 13, 2001, effective January 1, 2002, amended December 13, 2004, effective January 1, 2005, amended November 20, 2006, effective November 20, 2006)

Section 1. ANNUAL LEAVE (amended December 13, 2004, effective January 1, 2005)

1.1 Receipt:

Annual leave with pay shall be earned on a bi-weekly basis by all employees, except for:

- Transient and Emergency employees (see paragraph “j” below),
- other employees paid at special rates of pay in accordance with Rule IV, Section 4.1,
- and uniformed fire suppression, fire communication, and fire prevention personnel (see paragraph “k” below).

Each reference to days of leave in this Rule shall refer to “leave days” as defined in Rule I. (amended December 13, 2001, effective January 1, 2002, amended December 13, 2004, effective January 1, 2005)

- (a) The accrual rate for all eligible employees appointed subsequent to December 31, 1978 shall be .5 of a leave day for each bi-weekly accrual period (13 leave days a year).
- (b) The accrual rate for all eligible employees, except for uniformed police personnel, on the payroll as of December 31, 1978 shall be .6923 of a leave day for each bi-weekly accrual period (18 leave days a year).
- (c) The accrual rate for uniformed police personnel on the payroll as of December 31, 1978 shall be .8077 of a leave day for each bi-weekly accrual period (21 leave days a year).
- (d) An employee whose appointment, reemployment or reinstatement is effective on the first workday of the bi-weekly accrual period shall be eligible to earn annual leave commencing with that bi-weekly period.
- (e) No annual leave shall accrue to an employee during any bi-weekly period, or part thereof, in which an employee is on leave without pay or on suspension.
- (f) When an employee's services are terminated before the end of the bi-weekly accrual period, no annual leave shall accrue for that period.

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- (g) Employees paid on a daily or hourly basis, or who work a regular or recurring part-time work schedule, shall earn annual leave at the same rate as eligible full-time personnel, but in proportion to the time worked.
 - (h) In the event an employee's work schedule is adjusted from either full-time to part-time or part-time to full-time, a corresponding adjustment in the amount of accumulated annual leave shall be made in proportion to the hours to be worked.
 - (i) Upon reinstatement from active duty, and subject to the provisions of Rule VIII, Section 8, an employee on military leave without pay shall be eligible to accrue annual leave at the rate formerly earned.
 - (j) Persons holding Transient or Emergency appointments as defined in Rule VI, Section 5.3 (b) and (c) shall not be entitled to earn annual leave. The provisions of this section shall not apply to regular employees temporarily on a Transient or Emergency appointment in another classification. (amended September 27, 1990)
 - (k) Uniformed fire suppression, fire communication, and fire prevention personnel, after having served one year on the Fire Department, shall receive eighteen (18) days of annual leave on their anniversary date each year. This allotment shall be increased by one (1) day for each year of service over ten (10) years, up to a maximum of thirty (30) days.(amended December 13, 2001, effective January 1, 2002)
 - (l) When an employee changes from one type of leave day to another (for example from a seven (7) hour leave day to an eight (8) hour leave day), his or her annual leave balance and accrual rate shall change in the same manner.
- 1.2 Bonus Annual Leave Days: Except for uniformed fire suppression, fire communication, and fire prevention personnel, each eligible employee appointed subsequent to December 31, 1978 shall be granted, on January 1 of each year, bonus annual leave days as follows:(amended December 13, 2001, effective January 1, 2002)
- (a) Three (3) bonus annual leave days per year for employees with five through nine calendar years of continuous service.
 - (b) Six (6) bonus annual leave days per year for employees with ten through fourteen calendar years of continuous service.
 - (c) Nine (9) bonus annual leave days per year for employees with fifteen through nineteen calendar years of continuous service.
 - (d) Twelve (12) bonus annual leave days per year for employees with twenty or more calendar years of continuous service.
 - (e) Except for police personnel accruing annual leave at the rate of .8077 of a leave day, each full-time eligible employee on the payroll as of December 31, 1978 shall

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be granted on January 1st of each year three (3) bonus annual leave days.
(amended April 20, 1995)

- (f) Any employee who is appointed on or before the fifteenth day of January shall be eligible to earn the bonus leave for that year. (March 21, 1991)
- (g) Eligible part time employees accrue bonus leave days in proportion to time worked.
- (h) Any employee who uses thirty (30) days or more of leave without pay in any calendar year shall not be eligible to accrue bonus annual leave days for that year.

1.3 Leave Carried Forward:

- (a) On December 31 of each year the accumulated annual leave of all employees hired before January 1, 1979 shall be carried forward to the succeeding year, provided that accumulated annual leave carried forward shall not exceed ninety (90) leave days. However, effective November 20, 2006, leave in excess of ninety (90) days may be converted to pension credits provided that such conversion is allowed by the retirement system in which the employee participates (amended April 20, 1995, amended November 20, 2006).
- (b) On December 31 of each year the accumulated annual leave of all employees hired after December 31, 1978 shall be carried forward to the succeeding year, provided that accumulated annual leave carried forward shall not exceed forty-five (45) leave days. However, effective November 20, 2006, leave in excess of forty-five (45) days may be converted to pension credits provided that such conversion is allowed by the retirement system in which the employee participates (amended April 20, 1995, amended November 20, 2006).

1.4 Use:

- (a) The minimum charge against annual leave shall be six (6) minutes (one-tenth of an hour).
- (b) In computing annual leave taken by an employee, each deduction shall be made from accrued annual leave for only that time which the employee is absent but is scheduled to work. (April 20, 1995)
- (c) Accumulated annual leave may be used only after completion of twenty-six consecutive weeks of service. Employees who are reinstated following a break in service must also complete twenty-six consecutive weeks following such reinstatement before being eligible to use annual leave. Annual leave is not paid to employees who are terminated before twenty-six consecutive weeks of service. Employees who are laid off before the completion of the twenty-sixth week of service shall be paid for earned and accumulated annual leave.

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- (d) Accumulated annual leave may be taken at the time or times requested by the employee and approved by the appointing authority. If the work load of the employee's organizational unit makes the granting of annual leave undesirable for the time requested, the appointing authority shall notify the employee.
- (e) Each employee shall be entitled to use a minimum of one year's accumulation of annual leave during any calendar year. When an employee entitled to annual leave makes a written request for leave, the appointing authority shall, within five (5) days after the date of the employee's request, either approve or disapprove the request in writing. If the request is denied, the appointing authority shall grant, in writing, permission for use of the annual leave requested during an equivalent period within the six-month period following the employee's request. This written permission shall be given to the employee within ten (10) working days after the request.
- (f) Employees who use annual leave to appeal disciplinary actions before a hearing examiner or the Civil Service Commission, shall have such leave restored if the appeal, when final, has been sustained either by the Commission or the appellate courts of the State and the appellant has been completely exonerated of culpability. (adopted February 23, 1989, effective February 23, 1989)

1.5 Annual Leave at Separation: Upon an employee's death, termination of employment or entry into active duty with the Armed Forces of the United States, after completion of twenty-six (26) consecutive weeks of service under current employment with the City, all accrued annual leave shall be paid to the employee except that:

- (a) Upon separation from the service of the City, all accumulated annual leave which was earned under the provisions of the Rule shall be paid to all eligible employees in accordance with the provisions of Section 3.1 of this Rule.
- (b) The payment of accumulated annual leave shall be withheld if an employee is dismissed for fraud, theft, or misappropriation of City funds or property. The payment of accumulated annual leave shall be withheld if an employee, while under administrative or criminal investigation for fraud, theft, or misappropriation of City funds or property, attempts to terminate employment before the conclusion of the respective investigation and/or disposition of any administrative hearing convened by the appointing authority. Any unauthorized absenteeism during the aforementioned time periods shall be an unexcused absence subject to the corrective action specified in Rule IX of the Commission's Rules. If, upon conclusion of the respective investigation and/or administrative hearing, the employee has been exonerated, payment for all accumulated annual leave shall be made. (amended December 21, 1989, effective January 1, 1990)
- (c) An employee entering active duty with the Armed Forces may request, in writing, that all or part of his or her accrued annual leave be paid. Otherwise, this leave balance will be retained on file until the employee returns to work.

(RULE VIII)

- (d) At the time of separation from the service, employees shall have the option to convert unused annual leave, accumulated under the provisions of Rule VIII, Sections 1.1 and 1.2, to cash or substitute unused annual leave for retirement credits, subject to the provisions of applicable sections of this Rule, as well as the laws and regulations of the employee's retirement system.

1.6 Annual Leave in Changes of Organizational Unit: When an employee changes organization units without a break in consecutive service, all accumulated annual leave remaining to the employee's credit shall be transferred when the employee commences service in the new position.

Section 2 SICK LEAVE (amended December 13, 2004, effective January 1, 2005)

2.1 Receipt: Sick leave with pay shall be earned on a bi-weekly basis by all employees, except for Emergency, Transient or other employees paid at special rates of pay in accordance with Rule IV, Section 4.1 (amended December 13, 2001, effective January 1, 2002)

- (a) The accrual rate for all eligible employees appointed subsequent to December 31, 1978 shall be .5 of a leave day for each bi-weekly accrual period (13 leave days a year).
- (b) The accrual rate for all eligible employees on the payroll as of December 31, 1978 shall be .923 of a leave day for each bi-weekly accrual period (24 leave days a year).
- (c) An employee whose appointment, re-employment or reinstatement is effective on the first workday of the bi-weekly accrual period shall be eligible to accumulate sick leave commencing with that bi-weekly period.
- (d) No sick leave shall accrue to an employee during any bi-weekly period or part thereof, in which an employee is on leave without pay or on suspension.
- (e) When an employee's services are terminated before the end of the bi-weekly accrual period, no sick leave shall accrue for that period.
- (f) Employees paid on a daily or hourly basis, or who work a regular or recurring part-time work schedule, shall earn sick leave at the same rate as eligible, full-time employees, but in proportion to the time worked.
- (g) In the event an employee's work schedule is adjusted from either full-time to part-time or part-time to full-time, a corresponding adjustment in the amount of accumulated sick leave shall be made in proportion to the hours to be worked.
- (h) Upon reinstatement from active duty, and subject to the provisions of Rule VIII, Section 8, an employee on military leave without pay shall be eligible to accrue sick leave at the rate formerly earned.

(RULE VIII)

- (i) Persons holding Transient or Emergency appointments as defined in Rule VI, Section 5.3 (b) and (c) shall not be entitled to earn sick leave. The provisions of this section shall not apply to regular employees temporarily on a Transient or Emergency appointment in another classification.
 - (j) When an employee changes from one type of leave day to another (for example from a seven (7) hour leave day to an eight (8) hour leave day), his or her sick leave balance and accrual rate shall change in the same manner.
- 2.2 Bonus Sick Leave Days: Each January 1, employees appointed subsequent to December 31, 1978, except for Emergency, Transient or other employees paid at special rates of pay in accordance with Rule IV, Section 4.1, shall be granted bonus sick days as follows: (amended April 20, 1995)
- (a) Two (2) bonus sick days per year for employees with six (6) through fifteen (15) calendar years of continuous service.
 - (b) Seven (7) bonus sick days per year for employees with sixteen (16) or more calendar years of continuous service.
 - (c) Any employee who is appointed on or before the fifteenth day of January shall be eligible to earn the bonus leave for that year.
 - (d) Any employee who uses thirty (30) days or more of leave without pay in any calendar year shall not be able to accrue the bonus sick days for that year.
 - (e) Eligible part time employees accrue bonus leave days in proportion to time worked.
- 2.3 Leave Carried Forward: The sick leave accumulated by all employees in accordance with these Rules shall be carried forward to the succeeding year.
- 2.4 Use: An employee who has taken sick leave shall file with his or her appointing authority a letter stating the cause of the absence from work, provided that:
- (a) If the amount of sick leave taken exceeds six (6) consecutive working days, a registered physician must certify to the nature of the illness or injury and the necessity for absence after the sixth consecutive working day.
 - (b) If there is a reasonable doubt of the validity of the employee's claim for consecutive sick leave of six (6) working days or less, the appointing authority may require a statement from a registered physician or some other acceptable proof that the employee was ill, provided that the employee has been previously notified of the policies and conditions under which a physician's certificate will be required for absence of less than six (6) consecutive working days.

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- (c) When an appointing authority has determined that an employee has charged an absence against sick leave although no actual illness or injury as defined in Rule I occurred, the appointing authority must deduct the value of the absent time from the employee's accrued annual leave or pay and may also take disciplinary action as deemed appropriate under the circumstances.
- (d) When computing sick leave taken, deduction shall be made from accrued sick leave only for those days upon which an employee is scheduled to work.
- (e) When there is a death in the immediate family of the employee, as defined in Rule I, the employee shall be allowed to use a maximum of three (3) leave days of sick leave. If travel time is deemed necessary, the appointing authority may grant an extra two (2) leave days of sick leave; but in no case shall the sick leave granted under this section aggregate more than five (5) leave days. (amended April 20, 1995)

2.5 Sick Leave at Separation: At the time of separation from the service, employees shall have the option to convert unused sick leave, accumulated under the provisions of these Rules to cash or substitute unused sick leave for retirement credits, subject to the provisions of applicable sections of this Rule, as well as the laws and regulations of the employee's retirement system.

If an employee either does not elect to convert unused sick leave for retirement, or elects to have only a portion of that leave credited for retirement purposes, any residue of the unused sick leave shall be converted to cash, subject to the following provisions:

- (a) Upon termination of service the conversion of unused sick leave to cash shall be determined as follows:
 - (1) For the 1st through 100th leave day, twenty percent (20%) of the accrued leave shall be converted to pay. (amended April 20, 1995)
 - (2) For the 101st through 200th leave day, twenty-five percent (25%) of the accrued leave shall be converted to pay. (amended April 20, 1995)
 - (3) For the 201st through 300th leave day, thirty-three percent (33%) of the accrued leave shall be converted to pay. (amended April 20, 1995)
 - (4) For the 301st through 400th leave day, fifty percent (50%) of the accrued leave shall be converted to pay. (amended April 20, 1995)
 - (5) One hundred percent (100%) of the accrued leave in excess of 400 leave days of sick leave shall be converted to pay. (amended April 20, 1995)

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- (b) The conversion of accumulated sick leave to cash shall be withheld if an employee is dismissed for fraud or theft of City funds or property. The conversion of accumulated sick leave to cash shall be withheld if an employee, while under administrative or criminal investigation for fraud, theft or misappropriation of City funds or property, attempts to terminate employment before the conclusion of the respective investigation and/or disposition of any administrative hearing convened by the appointing authority. Any unauthorized absenteeism during the aforementioned time periods shall be an unexcused absence subject to the corrective action specified in Rule IX of the Commission's Rules. If, upon conclusion of the respective investigation and/or administrative hearing, the employee has been exonerated, payment of sick leave converted in accordance with the applicable provisions of these Rules shall be made. (amended December 21, 1989, effective January 1, 1990.)
 - (c) If an employee dies either as the result of an on-the-job accident, or from injuries which can be unequivocally traced or connected to an on-the-job accident, one hundred percent (100%) of all unused sick leave shall be converted to cash. (amended April 20, 1995)
- 2.6 Sick Leave in Changes of Organizational Unit: When an employee changes organization units without a break in consecutive service, all accumulated sick leave remaining to the employee's credit shall be transferred when the employee commences service in the new position. (amended April 20, 1995)
- 2.7 Sick Leave While on Military Leave: When an employee is placed on authorized military leave without pay, all unused sick leave which was accumulated prior to the employee's placement on military leave shall remain to the employee's credit until the time of reinstatement or forfeiture of all rights under Section 8 of this Rule. See Section 1.5 of this Rule for provisions for annual leave while on active duty with the Armed Forces.
- 2.8 Sick leave with partial or full compensation in excess of the amount of leave normally earned may be granted by the Director, on the recommendation of the appointing authority and with the approval of the Commission, where the sickness or injury was caused by conditions of employment or in other special cases. The Commission, at its discretion, may require that the employee receiving this leave return any and all leave advanced.
- 2.9 (a) When any commissioned police personnel sustains accidental bodily injury while actively engaged in police training or in the process of pursuing, apprehending, arresting, transporting or booking a suspect, such employee may be granted sick leave with pay which will not diminish his or her ordinary sick leave accumulation, simultaneously with the benefit provisions of the State of Louisiana Worker's Compensation statutes, provided such leave is recommended by the Superintendent of Police and is requested of and approved by the Director of Personnel of the Department of Civil Service. (amended August 9, 1979, October 27, 2000)

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- (b) It is the specific intention of this subsection to provide additional benefits to law enforcement officers who have exposed themselves to danger unique to law enforcement. However, in no instance shall an employee receive combined monetary benefits under this section which are greater than the employee's normal rate of pay. The total benefits under this subsection for an occurrence resulting in accidental bodily injury and for any medically certified recurrence or recurrences of symptoms thereof shall not exceed 52 weeks (365 calendar days). (amended August 9, 1979)
 - (c) An initial report of the injury directed to the Director of Personnel of the Department of Civil Service must be received by the Civil Service Department within thirty (30) calendar days of the injury in order to be considered for benefits pursuant to this subsection.(amended October 27, 2000)
 - (d) Any report of a recurrence of injury symptoms must be directed to the Director of Personnel and received by the Civil Service Department within thirty (30) calendar days of the date of such recurrence in order to be considered for benefits. Any request for leave resulting from a recurrence of injury symptoms must be directed to the Director of Personnel and received by the Civil Service Department within sixty (60) calendar days of such recurrence; otherwise, benefits under this subsection shall be prescribed(amended October 27, 2000)
- 2.10
- (a) Special monetary compensation for a limited period of time may be authorized by the Director, subject to the approval of the Civil Service Commission, for non-exempt police personnel who sustain any disabling injury while attempting to intervene in the perpetration of a crime, provided there is an immediate manifestation of the injury which is objectively discernable to the parties at the scene of the injury. (adopted August 9, 1979)
 - (b) Prior to consideration by the Commission, the Police Department must submit thorough documentation outlining the circumstances surrounding the injury, together with a detailed medical statement from the attending physician specifying the probable length of disability. (adopted August 9, 1979)
 - (c) When there has been a sufficient recovery from the injury enabling the employee to return to work, the special compensation under this provision of the Rules shall be discontinued. If the employee's condition is determined to be permanently disabling, and prevents the employee from ever returning to work, the appointing authority must recommend that the employee be placed on disability retirement. (adopted August 9, 1979).

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- 2.11 (a) Special monetary compensation for a limited period of time may be authorized by the Director, subject to the approval of the Civil Service Commission, for non-exempt Fire Suppression personnel who sustain any disabling injury while:
- (1) actively engaged in fire training exercises or drills.
 - (2) responding to an alarm or an emergency call.
 - (3) actively engaged in fighting a fire, provided that there is an immediate manifestation of the injury which is objectively discernable to the parties at the scene of the injury. Coverage under the provisions of this section shall be extended to include latent or non-apparent injuries which can be unequivocally traced or connected to the fire scene. (adopted August 9, 1979, amended February 13, 1981)
- (b) When either a Fire Recruit or probationary Firefighter sustains any disabling injury while actively engaged in an activity listed in, and subject to, the conditions of Rule VIII, Section 2.1 (f) (1), such employee may be granted up to 60 days sick leave with pay which will not diminish his or her ordinary sick leave accumulation, simultaneously with the benefit provisions of the State of Louisiana Worker's Compensation statutes, provided such leave is recommended by the Superintendent of Fire and is request of and approved by the Director of Personnel of the Department of Civil Service. (adopted February 13, 1981)
- (c) Prior to consideration by the Commission, the Fire Department must submit thorough documentation outlining the circumstances surrounding the injury, together with a detailed medical statement from the attending physician specifying the probable length of disability. (adopted August 9, 1979)
- (d) When there has been sufficient recovery from the injury to enable the employee to return to work, the special compensation under this provision of the Rules shall be discontinued. If the employee's condition is determined to be permanently disabling and prevents the employee from ever returning to work, the appointing authority must recommend that the employee be placed on disability retirement. (adopted August 9, 1979)
- 2.12 Sick or Annual Leave Donation: Subject to the prior approval of the Director of Personnel, an appointing authority may allow an employee to donate sick or annual leave with pay to another employee, subject to the following conditions: (adopted April 25, 1991)
- (a) the recipient must have been employed with the City for a period of not less than six months. (adopted March 16, 1995, effective April 1, 1995)
 - (b) donated annual leave shall be converted to sick leave and added to the recipient's sick leave balance.

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- (c) the donor relinquishes all future claims to the donated leave, regardless of the medical condition of either the donor or the recipient.
- (d) the donation must be strictly voluntary, without coercion, implied or otherwise, and must be certified as such in writing by the donor in advance of the actual transfer of sick leave from the donor to the recipient.
- (e) in cases where an employee is donating sick leave with pay to an employee in another organization unit, the approval of both appointing authorities will be required.
- (f) following approval, the appointing authority/authorities must submit all the necessary leave adjustment forms to the Finance Department with appropriate documentation (adopted April 25, 1991)

Section 3. TERMINAL LEAVE (amended December 13, 2004, effective January 1, 2005)

3.1 Terminal Leave: Subject to the provisions of Sections 1.1, 1.5, 2.1 and 2.5 of this Rule, when the service of an employee is terminated, terminal leave is to be paid. Terminal leave shall consist of terminal annual leave and terminal sick leave converted according to Section 2.5 of this Rule, and shall be computed as follows:

- (a) Fire suppression personnel working a "24 hour on 48 hour off" schedule shall have the payment for accrued terminal leave calculated by dividing the employee's base annual rate of pay, including longevity, by 243, and then multiplying this amount by the employee's number of accrued terminal leave days.
- (b) Employees in the classes of Fire District Chief and Deputy Fire Chief working a 46 hour week shall have the payment for accrued terminal leave calculated by dividing the employee's base annual rate of pay, including longevity, by 200, and then multiplying this amount by the number of accrued terminal leave days.
- (c) For all other employees, payment for accrued terminal leave shall be calculated by dividing the employee's base annual rate of pay, including longevity, by 250, and then multiplying this amount by the employee's number of accrued terminal leave days. This is done to account for ten annual holidays. (amended April 20, 1995, October 24, 1996)

3.2 An employee who is dismissed for reasons other than fraud, theft, or misappropriation of City funds or property, and who appeals this action has two options under this section of the Rules. These are: (1) to receive terminal leave pay in accordance with other sections of this Rule; or (2) to request in writing to the Director that leave balances be maintained on the City's payroll system until the appeal and any subsequent actions by appellate courts of the State are completed. Should an exonerated employee choose payment, he may later re-purchase the total sick and/or annual leave at the gross total rate paid by the employer.

Section 4. CIVIL LEAVE

4.1 An employee shall be given time off without loss of pay:

- (a) When performing jury duty;
- (b) When subpoenaed to appear before a court, public body or Commission. However, in cases where the employee has a direct interest in the matter, Civil Leave shall not be authorized, but rather the appointing authority shall grant annual leave, or, in its absence, leave without pay;
- (c) When performing emergency civilian duty in connection with national defense;
- (d) When ordered to appear for a medical or other examination by the Selective Service System or by a branch of the Armed Forces of the State or the United States;
- (e) When taking or participating in a New Orleans City Civil Service examination;
- (f) When taking an examination for a license or certificate from a City or State agency, provided the appointing authority certifies in writing to the Civil Service Department that the city service will benefit by the employee's acquisition of the certificate or license.
- (g) When attending meetings of the Civil Service Commission as the employee-elected member of the Commission during the employee-member's regular work day. (adopted January 21, 1988, effective February 1, 1988)

(Section 4.1 (a)-(b) amended November 12, 1981, effective December 1, 1981)

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- 4.2 When an employee is authorized or assigned to attend a conference, convention, training program directly related to the employee's work or the work of the employee's department, or training program that is part of a Civil Service Department authorized employee growth and development program, no leave shall be reported and the employee shall be considered as working. All regular employees shall be allowed to take at least one course per month of available authorized Civil Service Department training, if such training is being taken as a requirement for a Civil Service Department promotional examination. Employees elected or appointed as trustees as defined by LA R.S. 9:1781 et seq, on any public employee retirement system's governing board, shall be given time off, subject to the approval of the appointing authority, without loss of pay when engaged in administrative or educational activities required to fulfill their statutory responsibilities as fiduciaries. (adopted November 19, 1991, effective January 1, 1992, amended March 24, 1997)

Section 5. LEAVE OF ABSENCE WITHOUT PAY

- 5.1 (a) An appointing authority may grant an employee leave without pay for a period not to exceed one (1) year, whenever such leave is considered to be in the best interests of the service. Leave without pay for an additional period of time may be granted only with the approval of the Civil Service Commission.
- (b) Appropriate personnel forms must be submitted by the appointing authority during the initial days of the period for which leave without pay was authorized in accordance with the provisions of this Section of these Rules. Personnel forms need not be submitted for periods of leave without pay which constitute less than a total workday.
- (c) At the discretion of the Appointing Authority, any employee who is absent from work without prior authorization may be carried on leave without pay for that time period on all payroll records. Such action shall not be termed as disciplinary and hence shall not warrant an appeal to the Commission. (amended January 21, 1988, effective February 1, 1988)
- (d) Nothing in Section 5.1 (c) shall be intended to preclude the appointing authority from initiating appropriated disciplinary action, in accordance with the provisions of Rule IX of the Commission's Rules, where the employee's conduct merits corrective action. (amended January 21, 1988, effective February 1, 1988)

(Section 5.1 (a)-(d) amended November 12, 1981, effective December 1, 1981; Section 5,1 (c) amended November 10, 1983, effective November 10, 1983)

- 5.2 Employees with probationary or permanent status may be allowed sick leave without pay for a period not to exceed one (1) year, provided any sick leave without pay for a period exceeding ninety (90) days is recommended by a physician acceptable to the City Civil Service Commission; and further, that the employee shall also be examined by an acceptable physician during the seventh month while on sick leave without pay. Sick leave without pay may be granted under this Rule only by the Director, subject to the approval of the City Civil Service Commission.

Section 6. SPECIAL LEAVE OF ABSENCE WITHOUT PAY

- 6.1 An appointing authority may grant a regular employee special leave of absence without pay whenever such leave is for the purpose of enabling such employee to accept an unclassified position in the city service, except an elective office. Any such leave heretofore granted by an appointing authority for the purpose herein expressed may be extended by such appointing authority from the date such leave was originally granted; provided, however, that the leave without pay herein authorized shall automatically end whenever an employee resigns from his unclassified position or his employment therein is otherwise terminated.

Section 7. SPECIAL LEAVE OF ABSENCE WITH PAY

- 7.1 An appointing authority may grant a regular employee special leave of absence with pay for a period not to exceed one (1) year whenever such leave is for the purpose of enabling the employee to obtain educational training necessary for the betterment of the service rendered by the department to the public. To obtain special of leave of absence with pay, it must be clearly demonstrated that the course of study is related directly to the work of the department. No special leave of absence with pay can be granted until the approval of the City Civil Service Commission is obtained. (amended September 12, 1963.)

Section 8. MILITARY LEAVE WITHOUT PAY

- 8.1 Any employee who shall have entered into active military or naval duty with the Armed Forces of the United States or the State of Louisiana shall be placed on military leave without pay, such military leave to extend through a date ninety (90) days after being relieved from service, or from hospitalization continuing after discharge for a period of not more than one year. The employee shall be entitled to be restored to the position which he vacated, provided application is made in writing to the appointing authority of the agency wherein he was formerly employed within ninety (90) days from the date of honorable discharge or discharge under honorable conditions, or from hospitalization continuing after discharge for a period of not more than one year, if the person is physically and mentally capable of performing the work of the position to the satisfaction of the appointing authority. (amended February 21, 1991)
- (a) In the case of an employee who was placed on military leave while serving a working test period, such an employee, upon returning to his position, shall be required to serve the remaining portion of the working test period before gaining permanent status in the class of positions. (effective February 21, 1991)

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- (b) An employee who was placed on military leave while in provisional status shall be restored to the former position on a provisional basis unless the position has already been filled by appointment from a list of eligibles. If there is a list of eligibles, but no appointment has been made, the employee returning from military leave shall be allowed to take the examination and then the position shall be filled by appointment from such list, subject to the provisions of Rule VI, Section 3. (adopted February 21, 1991)
 - (c) An employee who was placed on military leave while in transient status shall be eligible to resume and complete the remainder of the three months term specified in Rule VI, Section 5,3 (b). (adopted February 21, 1991)
- 8.2 In the event the position vacated by a permanent or probationary employee entering the armed services no longer exists at the time he or she qualifies to return to work, such person shall be entitled to be reemployed in any position of the same classification within that agency wherein the person was employed, provided such reemployment does not necessitate the laying off of any employee who was appointed at a earlier date than the person returning from military leave. (effective February 21, 1991)
- 8.3 In the event a position vacated by a permanent or probationary employee entering the armed services no longer exists at the time he or she qualifies to return to work, and there is no other position in the agency to which the employee is entitled to reemployment, the name of such person shall be placed upon an appropriate reemployment list or lists by the Director, and the Director shall take all steps consistent with the provisions of the Civil Service Law to effect the reemployment of such person at the earliest date possible. Names of persons placed on the reemployment lists under the provisions of this Section shall be given preference in certification.

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- 8.4 Any position vacated by a person going on authorized military leave without pay may be filled only be a conditional appointment in accordance with Section 5 of Rule VI. A regular employee temporarily occupying a position vacated by a person entering the armed services shall be entitled to all benefits of the Civil Service Law and Rules that the employee might otherwise have, except as herein provided. If and when such regular employee is required to vacate a position as a result of the reemployment of a person who has returned from military leave, the employee shall be entitled to be demoted or transferred to his or her former position, provided such demotion or transfer does not necessitate the laying off of any person who was appointed at an earlier date than such person being demoted or transferred; otherwise the employee shall be eligible for placement on an appropriate eligible list. (amended February 21, 1991)
- 8.5 A person on authorized military leave of absence shall be permitted to take any promotional examination missed because of being on leave, provided such examination is taken during the life of the appropriate eligible list and prior to that announcement of the next examination for the same class of positions. (amended February 21, 1991)

Section 9. LEAVE FOR MATERNITY REASONS

- 9.1 Leave for maternity reasons is a period of approved absence for probational and permanent employees for incapacitation related to pregnancy or childbirth, for which the employee is required to present a statement from her physician.
- Leave for maternity reasons shall be allowed for a period of up to six (6) months duration and, upon the advice of the attending physician, may commence at any time prior to the date of expectancy. At the discretion of the appointing authority, an additional period of six (6) months may be granted. Leave for maternity reasons shall be recorded as leave without pay, except that an employee may choose to charge maternity leave against accumulated annual and/or sick leave, or may use a combination of annual leave, sick leave, and/or leave without pay, subject to the provisions of Section 1 of this rule. Periods of extended absence related to pregnancy and confinement for which the employee wishes to use sick leave must be substantiated by a statement from her attending physician certifying that the employee is incapacitated for the performance of duty.

An employee may return to work at any time following childbirth provided that she has the permission of her attending physician. The appointing authority may require a statement from the physician certifying that the employee is able to resume her duties.

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Section 10. FAMILY MEDICAL LEAVE (amended December 13, 2001, amended December 13, 2004, effective January 1, 2005)

10.1 After completion of at least one year of consecutive service and at least 1250 hours worked, or as otherwise defined by applicable law during the previous twelve (12) months each employee shall be entitled to a total of twelve (12) weeks of leave without pay within a period of twelve (12) consecutive months. This 12-month period shall be measured forward from the date the employee first takes FMLA leave. Under this section of the rules, leave may be used for any of the following reasons:

- (a) To care for an ill spouse, parent or child as defined by the Family Medical Leave Act, or a domestic partner who is registered with the Clerk of Council pursuant to Chapter 87, Section 87-5 of the City Code.
- (b) To deal with the employee's own illness.
- (c) To care for the employee's child following birth, adoption, or the beginning of foster care. Leave for this purpose must be used within the first twelve (12) months following birth or, in cases of adoption and foster care, placement of the child with the employee.

The appointing authority shall require completion of a Family Medical Leave Request Form signed by a licensed physician or other health care provider, or other appropriate documentation to substantiate the reasons for which this leave is requested.

Leave for these purposes shall be recorded as leave without pay; however, the appointing authority may require that the employee use accrued annual leave or, in cases of the employee's own illness, sick leave.

(Section 10.1 adopted July 15, 1993, effective August 1, 1993, amended November 20, 1997, effective December 1, 1997, amended December 13, 2001, effective January 1, 2002)

Section 11. OFFICIAL EMERGENCY LEAVE

11.1 When the Mayor of New Orleans declares an official emergency and orders that only "essential" employees report to work and that all "non-essential" employees remain away from work, such non-essential employees will be granted official emergency leave. Essential employees working under these circumstances may be eligible for special compensation as provided in Rule IV, Section 11.

(Section 11.1 adopted May 17, 1995)

RULE IX

DISCIPLINARY ACTIONS

(amended February 9, 1955, July 22, 1975, August 9, 1979, June 10, 1982, January 21, 1988, September 27, 1990, December 14, 2000, adopted November 13, 2002)

Section 1. **MAINTAINING STANDARDS OF SERVICE**

1.1 When an employee in the classified service is unable or unwilling to perform the duties of his/her position in a satisfactory manner, or has committed any act to the prejudice of the service, or has omitted to perform any act it was his/her duty to perform, or otherwise has become subject to corrective action, the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service. The action may include one or more of the following:

- (a) termination from the service. (amended January 21, 1988, effective February 1, 1988)
- (b) involuntary retirement. (adopted June 10, 1982)
- (c) reduction in pay within the pay grade for the employee's classification, subject to the provisions of Rule IV, Section 3. (amended September 27, 1990)
- (d) demotion to any position of a lower classification that the employee is deemed by the Appointing Authority and the Director to be competent to fill, accompanied by a reduction in pay which is within the pay grade range for the lower classification, subject to the provisions of Rule IV, Section 3. (amended September 27, 1990)
- (e) suspension without pay not exceeding one hundred twenty (120) calendar days.
- (f) fine.

(Section 1.1. (a)-(f) and amended June 10, 1982, effective June 10, 1982)

RULE IX

- 1.2 In every case of termination of employment of a regular employee, the appointing authority shall conduct a pre-termination hearing as required by law and shall notify the employee of the disciplinary action being recommended prior to taking the action. (adopted January 21, 1988, effective February 1, 1988)
- 1.3 In every case of termination, suspension, reduction in pay, or fine of any employee in the classified service or of involuntary retirement or demotion of the employee, within five (5) working days of the effective date of the action, the appointing authority shall furnish the employee and the Personnel Director a statement in writing of the reasons therefor. The notification also must advise the employee of the possible right of appeal, which must be exercised within thirty (30) calendar days of the date of the disciplinary letter. (amended January 21, 1988, effective February 1, 1988)
- 1.4 In the event that any investigation conducted of any classified employee subject to L.R.S. 40:2531 is anticipated to exceed 60 days, the appointing authority shall, not later than 30 days after commencement of the investigation, advise the Director of the need for an extension of the time within which to complete the investigation pursuant to L.R.S. 40:2531(7). The Director shall assign the matter for the taking of testimony before a hearing officer and notify the appointing authority and the employee their rights to attend the hearing and to present evidence and arguments for or against the extension. The hearing officer shall, upon conclusion of the hearing, either grant or deny the requested extension. The hearing officer's action shall be ratified by the Commission at its next regular meeting. (adopted November 13, 2002, effective December 1, 2002)

RULE X

RECORDS

Section 1. PERSONNEL, PAYROLL AND ATTENDANCE RECORDS (amended December 13, 2004, effective January 1, 2005)

1.1 It shall be the duty of each appointing authority to comply with the personnel, payroll and attendance record keeping system established by the Director. It shall be the duty of the Director to advise and assist in these procedures. (amended April 20, 1995, amended December 13, 2004, effective January 1, 2005)

1.2 The appointing authority shall certify on the appropriate personnel or payroll record:

- (a) the continuing authorized employment of a person in a position approved by the Civil Service Department.
- (b) the actual rendering of service in that position.
- (c) the actual number of hours worked in the applicable work period or absence from work on the appropriate authorized leave, or another approved method of describing the time worked in the payroll period.

For purposes of crediting an employee properly for a holiday, annual leave, sick leave, and other forms of leave the appropriate payroll records shall note that pay for such time is equal to the employee's leave day as defined in Rule I. (amended April 20, 1995)

(Section 1.2 (a) - (c) amended October 23, 1985, effective April 13, 1986, amended April 20, 1995.)

1.3 No payment for personal services shall be made by any department or fiscal officer thereof to any employee in the classified service of the City until after certification by the Director that such payment is authorized and is in conformity with these Rules. The Director's approval of records relating to personnel transactions shall constitute certification within the meaning of this Rule.

1.4 If the Director in any case determines that any person has been employed in any position in violation of any provisions of the Law or these Rules, he shall notify the appropriate parties of the violation, and shall order that no compensation be paid until the matter is corrected to comply with the Law or Rules.

(Sections 1.1 - 1.4 amended April 7, 1982, effective April 7, 1982)

1.5 The Director shall prescribe personnel records on which appointing authorities shall certify the fact of lawful creation of a position and the fact of lawful appointment of a person to the position. The Director shall also indicate on these personnel records the proper allocation of the position. Only personnel records approved by the Director shall constitute authorization for initial placement of the name of a person on a payroll or for

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any change in the status of an employee already on the payroll. No person shall then be removed from a payroll, except in accordance with the Law and Rules. (amended April 7, 1982, effective April 7, 1982, amended April 20, 1995)

Section 2. AVAILABILITY OF RECORDS (amended December 13, 2004, effective January 1, 2005)

- 2.1 The Department of Civil Service is the official custodian of personnel and payroll records. As such, any and all such records shall be made available to the Director at his or her request. In addition, all analyses and permutations of these data shall be available at the time and in the format requested; any such request shall be made in a manner prescribed by the Director.
- 2.2 If a particular request or analysis of data cannot be made in a timely manner, a written explanation shall be forwarded to the Director within one (1) week.

Section 3. EXAMINATION OF PERSONNEL RECORDS

- 3.1 The Director shall, on a continuing basis, examine departmental payrolls and related records to determine whether or not the persons on such payrolls have been appointed, transferred, reinstated, continued or otherwise employed in violation of any provision of the Law and Rules or are being paid at a rate other than the duly authorized rate. (amended April 7, 1982, effective April 7, 1982)

Section 4. RECORDS OF THE DEPARTMENT OF CITY CIVIL SERVICE (amended December 13, 2004, effective January 1, 2005)

- 4.1 Except as specifically provided in this Rule, the records of the Department of City Civil Service shall be public records and shall be open to public inspection during office hours of the Department. For reasons of public policy, the following records shall be held confidential, except as provided by law:
 - (a) Examinations, examination materials, tests and the results of tests, except as provided in Rule V, Section 4.2.
 - (b) Confidential records and investigations on the character, personality and history of employees or candidates for positions in the classified service.
 - (c) Medical reports.
 - (d) Job Counseling & Evaluation Reports (service ratings).
 - (e) Social Security Numbers. (amended April 7, 1982, effective April 7, 1982)

RULE XI

SERVICE RATINGS

(as adopted December 9, 1953, amended May 19, 1954, April 10, 1975, July 22, 1975, May 11, 1978, February 28, 1979, June 9, 1983, and May 19, 1988, August 24, 1989, November 29, 1990)

Section 1. ADMINISTRATION

- 1.1 A uniform service rating system for all organization units is established, which system shall include provisions for periodic rating of employees on the basis of performance. The Director shall prescribe the form on which service ratings are to be made, and each organization unit shall use the form prescribed by the Director in accordance with these Rules and the instructions given on the official form and its accompanying manual.
- 1.2 The service rating period July 1, 1982 - June 30, 1983 is extended by six months to December 31, 1983. As of January 1, 1984, and annually thereafter, the appointing authority of each organization unit shall have a service rating made of each regular (permanent) employee in that organization unit who has worked in the classified service during that rating period.

However, if the employee has not worked for the current appointing authority for at least ninety (90) days during the rating period, the employee shall be rated by the appointing authority under whom the employee has most recently worked for at least ninety (90) days during the rating period. If the employee has not worked under any appointing authority for at least ninety (90) days, he shall be rated by the current appointing authority.

Service ratings shall be made by the supervisor designated by the appointing authority as the individual most familiar with the employee's work during the rating period. Such service ratings shall be prepared for all regular employees, including those currently serving in Emergency, Transient, Provisional or Probationary appointments. The service rating shall be discussed with the employee, and after such discussion the employee shall sign the rating, but this act of signing shall be evidence only of the fact that the rating has been submitted to the employee and discussed with the employee. Any refusal to sign shall be so noted on the official rating form. A rating made by the supervisor and signed by the employee shall then be reviewed by the appointing authority or the designated agent. The appointing authority or designate shall sign the rating as presented or as corrected and, when thus signed by the appointing authority or designate, the rating shall become effective as the official service rating of the employee for the period indicated thereon. Any modification by the appointing authority of the supervisor's rating of the employee shall be communicated to the employee and the supervisor.

- 1.3 The appointing authority shall submit the original copy of the completed service rating and a certified list of the employees who were rated to the Civil Service Department not later than March 1st of each year. (amended November 29, 1990, February 20, 1992)

(RULE XI)

If an appointing authority cannot submit an employee's evaluation by March 1, that appointing authority shall submit, by March 1, a written request for an extension to the Personnel Director stating the reason the rating was not submitted and the date the rating will be submitted, which will be prior to April 1. The majority of the department's ratings must be submitted by March 1, to be granted this grace period.

If an appointing authority fails to submit an employee's evaluation by March 1 and has not requested or received an extension to April 1 or fails to submit the rating by April 1 after an extension has been granted, the appointing authority will be in violation of this Rule and subject to sanctions by the Commission.

- 1.4 There shall be five possible service ratings, one of which shall be used in rating each employee. The service ratings are: "Outstanding", "Exceeds Requirements", "Competent", "Needs Improvement", and "Unsatisfactory".
- 1.5 Only those employees who receive an overall rating of "Unsatisfactory" or "Needs Improvement" shall have a right of appeal to a service rating appellate board consisting of three members which the appointing authority shall designate to hear such appeal. The appointing authority shall notify an employee, in writing, of an overall "Unsatisfactory" or "Needs Improvement" rating and shall inform the employee, in writing, of the employee's right to appeal the rating. Within thirty (30) days after receiving official notice of the "Unsatisfactory" or "Needs Improvement" rating, an appeal, if desired, must be made in writing by the employee, specifying what the rating should be and the reasons therefor. Within thirty (30) days after the filing of such appeal, the appellate board shall hear the appeal, have prepared an official transcribed or taped record of the proceedings, render a written decision either sustaining or modifying the rating which has been appealed and forward a copy to the employee and to the Personnel Director. (amended May 19, 1988, effective June 1, 1988; amended August 24, 1989, effective September 1, 1989)

(RULE XI)

- 1.6 After a final written decision of the appointing authority has been rendered, an employee whose overall rating remains "Unsatisfactory" or "Needs Improvement" may appeal to the Personnel Director for a further review of the service rating. The appeal to the Personnel Director shall be based solely on the official record established at the hearing of the appeal before the appellate board. A written appeal to the Personnel Director must be filed by the employee within thirty (30) days of the effective date of the decision of the appellate board. After review, a written notice of the final decision of the Personnel Director shall be provided to the employee and to the appointing authority. (amended May 19, 1988, effective June 1, 1988)

- 1.7 Once the "Unsatisfactory" or "Needs Improvement" rating has been determined to be final, the work performance of an employee who received the "Unsatisfactory" or "Needs Improvement" rating shall be reviewed by the appointing authority for a period of ninety (90) days. At the conclusion of this review period, the appointing authority must state in writing to the employee and to the Personnel Director whether or not the employee's work performance has improved. If, upon review, the work performance has not improved, the appointing authority shall take appropriate disciplinary action under the provisions of Rule IX. (amended May 19, 1988, effective June 1, 1988)

- 1.8 The Director may investigate the accuracy of reports of ratings under the system adopted, and may adjust the ratings to conform to the facts as ascertained.

(Sections 1.1 - 1.8 amended June 9, 1983, effective June 9, 1983)

(Sections 1.5 - 1.7 amended May 19, 1988, effective June 1, 1988)

RULE XII

LAYOFFS

(adopted December 9, 1953, amended May 19, 1954, June 9, 1954, May 8, 1958, July 22, 1975, November 8, 1979, September 11, 1980, November 12, 1981, October 26, 1982, March 13, 1986, May 22, 1986, May 19, 1988, September 27, 1990, March 18, 1993, April 20, 1995, April 29, 1999, amended December 12, 2005 effective December 12, 2005)

Section 1. ADMINISTRATION

- 1.1 All personnel actions implemented during the course of a layoff, including but not limited to, demotions, terminations, reinstatements, transfers and resignations shall not be considered disciplinary and thus, shall not afford any employee a right of appeal to the Commission. (adopted May 19, 1988, effective June 1, 1988, amended April 29, 1999)
- 1.2 If it becomes necessary to reduce the working force in the classified service because of fiscal constraints or some other cause, the appointing authority of the organization unit affected must notify the Personnel Director before a layoff of employees can be initiated. (amended March 13, 1986, effective March 13, 1986; May 19, 1988, effective June 1, 1988)

Section 2. DESIGNATION OF ORGANIZATION UNITS AFFECTED

- 2.1 At least forty-five (45) days prior to the effective date of a proposed reduction in the work force, the organization units to be affected must be designated and the Personnel Director must be notified in writing of their selection. Upon receipt of this information, all personnel transactions throughout the service shall be reviewed for their effect on the forthcoming layoff and may be held in abeyance until the layoff process has been completed.

Section 3. UTILIZATION OF VACANT POSITIONS IN LAYOFFS

- 3.1 Whenever a position held by a permanent employee is abolished, either as the result of a reduction in operating funds or from the termination of a particular program, the employee shall be reinstated to any vacant position in the same class throughout the classified service, provided the employee possesses the requisite qualifications and experience to perform the job. The provisions of Section 4.3 of the Rule shall govern the filling of vacant positions, once the layoff of personnel has been initiated. (amended March 13, 1986)

Section 4. SUCCESSION OF LAYOFFS

- 4.1 After compliance with the previous sections of this Rule, the succession of layoff steps shall be implemented in accordance with the following sequence:
- (a) All employees in Emergency appointments in the organization unit affected, who do not have permanent status in another class, shall be removed in inverse order of length of continuous service.
 - (b) All employees in Transient appointments in the organization unit affected, who do not have permanent status in another class, shall be removed next, in inverse order of length of continuous service.
 - (c) All employees in Provisional appointments in the organization unit affected, who do not have permanent status in another class, shall be removed next, in inverse order of length of continuous service.
 - (d) If a further reduction of classified personnel is necessary in the organization unit affected, the appointing authority of that organization unit shall designate the class(es) of work to be reduced and notify the Personnel Director in writing of the class(es) selected. (amended November 12, 1981, effective December 1, 1981)
 - (e) Upon receipt of this designation of class(es) all classified employees in the designated class(es) in every agency, board, commission, and department shall be ranked as a group, in accordance with the provisions of Sections 4 and 5 of this Rule. Upon completion of the ranking of all classified employees in the designated class(es) throughout the classified service, a service-wide reduction of personnel in the designated class(es) shall commence. (amended November 12, 1981, effective December 1, 1981, amended March 13, 1986, effective March 13, 1986)
 - (f) All employees in original entrance Probationary appointments in the designated class(es), who do not have permanent status in another class, shall be ranked in inverse order of length of continuous service and removed before any regular employee in the designated class(es). (amended November 2, 1981, effective December 1, 1981)
- 4.2 The service-wide reduction of personnel shall proceed in accordance with the layoff steps specified in this Rule until the number of employees laid off equals the reduction in the funding level for those abolished positions in the various designated organization units throughout the classified service. (amended March 13, 1986)

(RULE XII)

- 4.3 Upon completion by the Civil Service Department of the mechanics of the layoff steps, transfers shall be effected for those employees whose present positions have been abolished, but who have a higher rank on the service-wide layoff list than other employees in organization units throughout the classified service. The opportunity for selecting positions scheduled to become available when the layoff of personnel is actually implemented, shall be given to individuals according to their rank on the layoff list in the manner deemed most practicable by the Personnel Director. However, no appointing authority shall be required under the provisions of this Rule to accept any employee previously dismissed from that agency. (amended March 13, 1986)
- 4.4 Employees in the designated classes(es) who have completed their probationary period and have attained permanent status but who have not received a service rating, shall be ranked in inverse order of length of continuous service and shall follow original entrance probationary employees in the layoff succession.
- 4.5 Any regular employee who, in accordance with the provisions of Rule VIII, Section 6.1 has been granted a leave of absence to accept a position in the unclassified service of the city, shall be given an annual service rating by the appropriate appointing authority in the unclassified service, pursuant to the requirements of Rule XI, Section 1.2. Should a regular employee on such leave or other regular employee(s) who are eligible to be rated fail to receive a service rating, they will be ranked in any layoff situation in inverse order of length of continuous service in the classified service and will be inserted in the ranking sequence between the groups rated as Competent and Exceeds Requirements. (adopted and effective March 13, 1986)

Section 5. SEQUENCE OF RANKING FACTORS FOR REGULAR EMPLOYEES

- 5.1 Layoffs are determined by ranking in one of the five categories, with Unsatisfactory being the first category affected, followed by Needs Improvement, Competent, Exceeds Requirements and Outstanding. (adopted May 22, 1986, effective May 22, 1986)

In order to determine the ranking of regular employees for an anticipated layoff, each employee's service rating for no more than the past three years of consecutive service are averaged; however, if a layoff is invoked prior to March 1, all available ratings from the prior three years will be averaged; the resultant scores are ranked in ascending order and grouped as follows: (amended March 18, 1993)

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- (a) UNSATISFACTORY service rating scores falling between 1.0 and 1.5 are considered to be the lowest average service rating.
- (b) NEEDS IMPROVEMENT service rating scores falling between 1.6 and 2.5 are the next ranking group.
- (c) COMPETENT service rating scores falling between 2.6 and 3.5 are the next ranking group.
- (d) EXCEEDS REQUIREMENTS service rating scores falling between 3.6 and 4.5 are the next ranking group.
- (e) OUTSTANDING service rating scores falling between 4.6 and 5.0 are the highest ranking group.

Service ratings received for rating periods which occurred prior to any break in continuous service shall not be included in the computations of the employee's average rating. (amended March 13, 1986, effective March 13, 1986)

- 5.2 In order to determine the respective ranking of all employees within each rating category mentioned above, those employees within the respective service rating group shall be arranged in ascending order, in accordance with the employee's consecutive service date in the classified service. The employee with the least amount of continuous service shall be ranked as the first within that service rating category to be laid off, followed by others having progressively longer periods of continuous service. (amended March 13, 1986, effective March 13, 1986, amended May 22, 1986, effective May 22, 1986)
- 5.3 If two or more individuals in a class designated for layoff are in the same service rating category and have the same consecutive service date in the classified service, the following tie-breaking steps shall be employed only to rank the individuals tied: (amended March 13, 1986, effective March 13, 1986, amended May 22, 1986, effective May 22, 1986)
- (a) An employee who has been restored to a class having a lower pay grade shall be given preference in the breaking of a tie. If the employees are still tied, then (amended September 27, 1990)
 - (b) An employee who is entitled to Veteran's Preference shall be laid off after the employee who does not have a qualified veteran's preference in accordance with the provisions of Rule XIII. If the employees are still tied, then

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- (c) An employee who has retired from a classified position and is eligible for a pension from that system is laid off ahead of the other(s), then
- (d) An employee's prior service with the City shall then be considered, giving preference to the employee with prior service; or, if both employees have prior service, then the employee with the longest prior service with the City receives preference; if employees are still tied, then
- (e) An employee who is a resident of Orleans Parish shall be given preference over a non-resident, then
- (f) If the employees are still tied after completing the previous tie-breaking steps, then the tie shall be broken through the drawing of lots in a manner deemed most practicable by the Personnel Director.

(Sections 5.3 (a), 5.3 (d), 5.3 (e), adopted May 22, 1986, effective May 22, 1986 Sections 5.3 (b), 5.3 (c), amended May 22, 1986, effective May 22, 1986. Section 5.4 adopted September 27, 1990, approved by City Council October 18, 1990)

- 5.4 After the sequence of layoff steps has been completed and an ordered list of employees in the designated class has been compiled, any regular employee scheduled for layoff, who has permanent status in a class having an equal or lower pay grade regardless of the organization unit, shall be restored to that class. All employees in that class shall then be ranked in accordance with the provisions of this Rule if the need for further reduction exists. (amended May 22, 1986, effective May 22, 1986, amended September 27, 1990)

Whenever a regular employee is restored to a lower class pursuant to this Rule, the employee's base rate shall be either thirty-five (35) percent above the minimum for the lower class or the base rate the employee would be receiving had he or she remained in the lower class, whichever is higher. However, in no case shall the employee's rate of pay be increased as a result of the restoration to the lower class. (adopted by the Civil Service Commission March 21, 1991, approved by the City Council April 4, 1991)

- 5.5 If a regular employee, after having attained permanent status in a higher class, is restored to a lower class in accordance with the provisions of Section 5.4, that employee is ranked as the final person to be laid off in that lower class when ranking of incumbents in the lower class has been completed.
- 5.6 If an appointing authority feels that a certain employee is absolutely essential to the efficient and effective operation of the organization unit because of special skills or abilities, and the appointing authority wishes to retain the employee despite his or her ranking on the layoff list, a written request must be submitted to the Personnel Director requesting permission to do so. This request must set forth, in detail, the specific skills and abilities possessed by the individual and the reasons that this particular employee be retained despite his or her ranking on the layoff list.

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- 5.7 All employees shall be notified in writing by their appointing authority of their scheduled layoff at least ten (10) calendar days prior to the effective date of the layoff. (amended May 22, 1986, effective May 22, 1986)
- 5.8 Those employees who are scheduled to be laid off must be paid for all terminal leave upon separation from service.

Section 6. **PREFERRED REEMPLOYMENT BENEFITS**

- 6.1 The name of regular or probationary employees who are laid off shall be placed on a preferred reemployment register for the class that the employee occupied at the time of separation, except as provided for by Rule XII, Section 6.3 (b). Persons whose choice of retirement is due to a layoff, shall be placed on appropriate preferred reemployment registers (see also Rule VI, Section 4). If during a layoff employees are also reduced from a higher classification and restored to a lower classification in accordance with the provisions of this Rule, their name shall also be placed on the preferred reemployment register for each classification from which they were thus removed. (amended March 13, 1986)
- 6.2 Preferred reemployment registers shall be established, for a period not to exceed two (2) years from the date of the layoff.
- 6.3 (a) Preferred reemployment registers will be composed of bands that are compiled in the following order:
 - (1) Band 1 will consist of persons who have been restored from a higher classification to a former classification, persons who are entitled to be reemployed in a lower classification in a recognized series as determined by the Personnel Director in accordance with Rule III, Section 1. 2, and those persons who were laid off from the classification and who have a service rating average of Outstanding, as defined in Rule XII, Section 5.1.
 - (2) Band 2 will consist of persons laid off from the classification with a service rating average of Exceeds Requirements, as defined in Rule XII, Section 5.1.
 - (3) Band 3 will consist of persons laid off from the classification who failed to receive a rating as described in Rule XII, Section 4.5.
 - (4) Band 4 will consist of persons laid off from the classification with a service rating of Competent, as defined in Rule XII, Section 5.1.
 - (5) Band 5 will consist of names of persons laid off from the classification who have completed their probationary status and have attained permanent status but who have not received a service rating.
 - (6) Band 6 will consist of names of persons laid off from the classification who have probationary status and do not have permanent status in a lower classification.
- (b) Persons laid off with a service rating average of Needs Improvement or Unsatisfactory as defined in Rule XII, Section 5.1 are not eligible for preferred reemployment.

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- 6.4 An organizational unit may not make an appointment from a lower band if there remains an eligible in a higher band who was laid off from the organizational unit, except when such eligible fails to respond to offers of employment as outlined in Section 6.7 of this Rule.
- 6.5 All employees who have been placed on a preferred reemployment register for a class shall be considered for reemployment in any vacant position in that class or in any other class for which the Director has deemed the register to be appropriate. Once a preferred reemployment register has been established, and until the expiration of that register, said register pre-empts all other methods of filling vacancies in that classification and in any other classification for which the Director has deemed that register to be appropriate. However, promotions in an established career series (for which experience at the next lowest level is the principal qualification) are specifically exempted from this requirement. (Sections 6.1 - 6.5 amended December 12, 2005, effective December 12, 2005)
- 6.6 A former employee on a preferred reemployment list resulting from a layoff, who accepts an offer of reemployment within two (2) years from the date of layoff, shall be considered as having had no break in consecutive service for longevity pay increases or leave accrual purposes. Additional benefits may be provided under Rule VI, Section 4.8 (b) (amended March 13, 1986, effective March 13, 1986; May 19, 1988, effective June 1, 1988; amended April 20, 1995, effective May 1, 1995)
- 6.7 A former employee on a preferred reemployment list resulting from a layoff, who declines or fails to respond to a total of three (3) offers of reemployment, shall be removed from the preferred reemployment list and will have no further preferred reemployment rights. In addition, said former employee forfeits the benefits provided by Section 6.6. of this Rule.

RULE XIII

VETERANS PREFERENCE

(as adopted February 10, 1945, effective March 1, 1945, amended January 30, 1975, July 22, 1975 and October 9, 1975, amended December 13, 2004, effective January 1, 2005)

Section 1. **VETERANS PREFERENCES AND PERSONS ELIGIBLE FOR PREFERENCES**
(amended December 13, 2004, effective January 1, 2005)

- 1.1 The preferences herein enumerated shall be accorded to all persons honorably discharged, or discharged under honorable conditions, from the armed forces of the United States, after having served in the Vietnam Era between July 1, 1958 and May 7, 1975, except the period of July 1, 1958 through August 4, 1964, shall apply only to those who served within the area know as the Vietnam Theater; or during a war declared by the United States Congress; or who served in a peacetime campaign or expedition for which campaign badges are authorized; or for at least ninety days after September 11, 2001, for reasons other than training; or during war period dates or dates of armed conflicts as provided by state law enacted by two-thirds of the elected members of each house of the legislature.
- 1.2 In the case of entrance tests or examinations, all persons eligible under this rule who have attained marks on the test or examination which meet at least the minimum requirements imposed for each test, and who have received at least the minimum rating required for eligibility, shall have added to their earned grading an additional five (5.00) points.
- 1.3 Ten (10.00) point preferences in original appointments shall be accorded to:
 - (a) honorably discharged veterans who served either in peace or in war and who have one or more disabilities recognized by the Veterans Administration as service-connected;
 - (b) spouses of veterans who are in such poor physical condition as to preclude their appointment to Civil Service jobs in their usual line of work;
 - (c) unremarried surviving spouses of deceased veterans who served in a war period as defined in this Rule or in peacetime campaigns or expeditions;
 - (d) the unremarried, widowed parent of persons who died in active wartime or peacetime service or who suffered total and permanent disabilities in active wartime or peacetime service;

(RULE XIII)

- (e) divorced or separated parents of persons who died in wartime or peacetime service or who became totally and permanently disabled in wartime or peacetime service.

Only one ten (10.00) point preference shall be allowed at any one time to the persons enumerated above, provided further that if the ten (10.00) point preference is not being utilized by the veteran, either because of the veteran's physical or mental capacity which precludes his or her appointment to a Civil Service job in his or her usual line of work or because of his or her death, such preference shall be available to the spouse, unremarried surviving spouse, or eligible parent as defined above, in the order specified, provided that any such preferences may be given only to persons who have attained marks on the tests which meet at least the minimum requirements imposed for each test and who have received at least the minimum rating required for eligibility.

- 1.4 All persons described in this Rule who become eligible for certification shall be placed on the eligible lists and be eligible for appointment in the order and on the basis of the percentage attained by them in examinations or tests, after such credit of five (5.00) or ten (10.00) points, as the case may be, has been added.
- 1.5 Proof of eligibility for the preferences provided for herein shall be furnished to the Commission or the proper representative of the Commission, by submission of the person claiming preference of the separation papers showing inclusive dates of active duty granted to the veteran by or through whom preference is claimed, or a properly certified copy of such separation papers, or whatever other necessary proofs are required and, in the case of a disabled veteran, additionally of a current certificate from the Veterans Administration of the United States showing service-connected disability to exist.

RULE XIV

POLITICAL ACTIVITY

(adopted May 18, 1983, effective May 18, 1983)

Section 1. **PROHIBITIONS**

1.1 No member of the Civil Service Commission and no employee in the classified service shall:

- (a) be a candidate for nomination or election to public office.
- (b) be a member of any national, state or local committee of a political party or faction.
- (c) make or solicit contributions for any political party, faction or candidate.
- (d) take active part in the management of the affairs of a political party, faction, candidate or any political campaign.
- (e) directly or indirectly pay, or promise to pay, any assessment, subscription, or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription or contribution.

1.2 No person shall:

- (a) solicit any such assessment, subscription or contribution of any employee in the classified service.
- (b) be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations.
- (c) seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(RULE XIV)

(d) use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

1.3 No person elected to public office shall, during the term for which he was elected, be appointed to any position in the classified service.

1.4 No person shall use, imply or attempt to use his position, whether elective or appointive, in the Federal, State or City services to punish, coerce, intimidate or otherwise influence the conduct of classified employees for political purposes.

Section 2. POLITICAL ACTIVITY

2.1 Political activity means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election.

2.2 Conduct prohibited to classified employees and Commissioners by this Rule includes any public political statement, whether verbal or written, any public political overture or demonstration or any connection with public representation or reproduction having political significance including, but not limited to, badges, emblems, posters, stickers, etc., which may or may not feature insignia, logos or the like having political characteristics easily discernible or identifiable with political parties, factions, candidates or office holders.

2.3 Conduct and activities prohibited by this Rule extend to classified employees irrespective of whether the individual is:

- (a) on the job or away from it.
- (b) on any type of paid leave status.
- (c) on any type of unpaid leave status.
- (d) on suspension from the job.

Section 3. PERMISSIBLE ACTIVITY

3.1 Members of the Civil Service Commission and classified employees may:

- (a) exercise the right of any citizen to express political views or opinions privately
- (b) serve as a commissioner or official watcher at the polls
- (c) support issues involving bonded indebtedness, tax referenda, or amendments to the Constitution
- (d) vote.

Section 4. PENALTIES

4.1 The Civil Service Commission or any appointing authority may take appropriate disciplinary action as enumerated in Rule IX of the Commission's Rules, or Article X, Section 11 of the Constitution of Louisiana for any violation of this Rule.