

PLAQUEMINES PARISH CIVIL SERVICE COMMISSION

DOCKET NO. _____

DATE RECEIVED _____

TIME RECEIVED _____

Petition of Appeal

Name _____ Employee ID Number _____
First Middle Last

Address _____
Street/P.O. Box No. City State Zip

Telephone Number _____ Cell Phone Number _____

Department _____ Position _____

In accordance with the provisions of the Civil Service Rules, appeal is hereby made to the Civil Service Commission for relief from actions taken against me as a classified employee of Plaquemines Parish which are described below:

ACTION: Suspension Dismissal Reduction in Pay Other
 Fine Layoff Demotion

1. NOTE: If "Other", give brief explanation

Effective Date _____ Notification date _____

Authorizing Official _____ Position _____

2. GIVE BRIEF EXPLANATION OF BASIS OF APPEAL:

3. RELIEF SOUGHT:

Appeals are conducted in accordance with the provision of Rule II, Sections 4 through 7, of the Civil Service commission Rules. Receipt of copies of these sections is hereby acknowledge. If Appellant is to be represented by an attorney, please provide information below:

Name _____

Address _____

Telephone Number _____

Signature _____ Date _____

Employee/Appellant/Attorney

DATE REFFRED TO THE CIVIL SERVICE COMMISSION _____

HEARING SCHEDULED YES NO **IF YES, HEARING DATE** _____

Revised 06/07/2018

- e. To hear appeals from employees and others who claim their rights under the Civil Service Rules have been violated and to issue appropriate orders in such cases.
- f. To perform such other acts as may from time to time be required of it by the Constitution or by Statute.
- g. To take such steps as may be necessary to maintain proper order and decorum during the course of its hearings and other proceedings, consistent with judicial resolution of matters coming before it for consideration.
- h. To 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 the Plaquemines Parish Government contrary to the provisions of the Constitution or the Rules adopted there under. Such orders may be directed to the officer having the authority to approve the payroll or assign 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.
- i. To enforce its rules, regulations, and orders in the courts of this State by mandamus or injunction suits.

SECTION 4. APPEALS, HEARINGS, TESTIMONY

- 4.1 Regular employees in the classified service shall have the right to appeal to the Commission from suspension, fine, dismissal, layoff, reduction in pay, or demotion to test the reasonableness of such action. The burden of proof on appeal, as to the facts, shall be on the Appointing Authority.
- 4.2 Any working test or probation period employee in the classified service who is suspended, fined, dismissed, laid off, or has suffered a reduction in pay or a demotion, shall have a right of appeal to the Commission; provided that the employee specifically alleges that the action appealed from resulted from discrimination due to race, color, national origin, sex religion, age, disability, politics, or other specified cause unrelated to merit employment considerations.

Persons who have applied for or shall have been examined for the classified service and who allege that they have been discriminated against due to race, color, national origin, sex, religion, age disability, politics, or other specified cause unrelated to merit employment considerations in review of their applications, admission to examinations, scoring of examinations, establishment of eligible lists, or certification, shall have the right of appeal to the Commission.

4.3 Where discrimination is alleged to be a basis for appeal, specific facts supporting the conclusion of discrimination must be alleged in detail. The specific facts required will vary depending on the nature of the appeal; however, the facts must be alleged in sufficient detail to enable the agency to prepare a defense. A conclusion of discrimination is not sufficient. The types of facts which must be included are:

- a. The date, time, and place the discriminatory action took place.
- b. The name of the person or agency alleged to have taken the discriminatory action.
- c. A description of how appellant's action, conduct, or performance was the same as that of other persons who were treated differently.
- d. The names of other persons treated differently and the dates the different treatment occurred.
- e. A description of events, including the dates and circumstances thereof, which led appellant to believe that the adverse decision was based on the appellant's religious or political beliefs, sex, race, or any other non-merit factor.
- f. Persons alleging discrimination as a basis for appeal shall bear the burden of proof of their allegations.

4.4 Persons appealing to the Commission shall do so in writing and shall specify the reasons for requesting a hearing.

4.5 Appeals to the Commission shall be filed within thirty (30) calendar days of the effective date of the action or actions complained against.

Following the expiration of the thirty (30) calendar day period provided above, no appeal may be amended or supplemented in such a way as to change the fundamental issues involved in the original appeal.

- 4.6 Within forty-five (45) days after receipt of an appeal, the Commission shall initiate a hearing. The Commission shall have the right to continue the hearing from time to time for good cause and reason. Except as otherwise specifically provided in these Rules, the burden of proof on appeal, as to the facts, shall be on the Appointing Authority or other official against whose action the appeal is taken.
- 4.7 Appellants shall have the right, but shall not be required, to be represented by counsel, at appellant's own expense.
- 4.8 The Commission shall decide appeals promptly, but in any event within sixty (60) days after completion of a hearing.
- 4.9 The Commission shall make its decision on hearings on the facts presented by all parties concerned.
- 4.10 No hearing or meeting to investigate shall be held unless both the employee and the Appointing Authority/department head shall have been advised at least fifteen (15) calendar days in advance of the date, time, and place therefor. If either of the parties fails to appear at the place and on the day and the hour fixed for such hearing, the Commission may, at its discretion, decide the issue involved on the basis of the evidence presented.
- 4.11 The Commission shall not be required to have the testimony taken at a hearing transcribed, but either the appellant or the Appointing Authority may, at its own expense, make the necessary arrangements therefor.
- 4.12 The decision of the Commission, together with its written findings of fact, if required, shall be certified in writing to the Appointing Authority and shall be forthwith enforced by such Appointing Authority.
- 4.13 Dismissal for Non-appearance at Hearing of Appeal.
- 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 or the referee may order the disciplinary action reversed.
 - b. If neither the appellant nor his counsel appears at the place and time fixed for any hearing, without having been granted a continuance, the Commission or the referee may order the appeal dismissed.
 - c. If either the appellee or the appellant fails to appear at the place and time fixed for any 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 the testimony may be taken in the absence of the party with the same effect as if the party were present.

- 4.14 Request for Continuance.
- a. Request for a continuance shall be in writing, and shall specify the reason why the continuance is required. The request shall be submitted to the Commission no later than five (5) business days prior to the scheduled hearing date.
 - b. Nothing in this Rule shall prevent the Commission or a referee from continuing the appeal if it or he learns the reason for the absence of the party and his attorney and determines that the party and his attorney were absent due to circumstances beyond their control.
- 4.15 Refusal to Testify: Any employee in the classified service who shall willfully refuse or fail to appear before any court or board properly authorized to conduct any hearing or inquiry, or if such employee having appeared, shall refuse to testify or answer any relevant question, except upon the grounds that their testimony or answers would incriminate them, shall, in addition to other penalties to which they may be subjected, be suspended for a period up to 30 days, at the discretion of the Commission.
- 4.16 Decisions of the Commission may be appealed to the Court of Appeal, Fourth Circuit. Such appeals must be filed with the Commission within thirty (30) calendar days of the date that the decision becomes final.

SECTION 5. OATHS, TESTIMONY, PRODUCTION OF RECORDS AND DEPOSITIONS

- 5.1 The Commission and each member of 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. Applications for issuance of subpoenas must be in the hands of the Commission at least ten (10) calendar days prior to the date established for the hearing.
- 5.2 Any appellant or party to an appeal who desires to take the testimony of a witness or witnesses residing outside of the State of Louisiana or within the State but outside of Plaquemines Parish, shall give due notice in writing to the opposing party or the party's counsel and shall furnish a copy of said notice to the Commission. The testimony of such witness or witnesses may be taken in

a manner and form as nearly consonant as possible with the provisions of R.S. 13:3771 through 13:3775.

SECTION 6. SPECIAL COUNSEL

- 6.1 The Commission shall have the right to retain Special Counsel of its choosing to represent the Commission in all legal matters, which includes the hiring of a Hearing Officer to hear appeal cases.
- 6.2 Compensation for services rendered shall be determined by the Commission and paid by the Parish of Plaquemines.

SECTION 7. PREPARATION OF THE RECORD

- 7.1 On appeals from the Commission, the Uniform Rules of the Court of Appeal, Fourth Circuit shall generally apply.