

**PLAQUEMINES PARISH CIVIL  
SERVICE COMMISSION  
RULES FOR CLASSIFIED SERVICE**



**Revised Effective May 11, 2023**

The Plaquemines Parish Civil Service Commission formally adopted the Rules of the Civil Service System on August 27, 1996.

The Plaquemines Parish Council approved Ordinance No. 96-133 on September 26, 1996 which granted the required approval of Rule IV - PAY PLAN and Rule IX - HOURS OF WORK, LEAVES OF ABSENCE AND ABSENCE WITHOUT LEAVE.

Rule XVI - TRANSITION RULES FOR IMPLEMENTATION provides the effective dates for each of the Rules.

The Plaquemines Parish Council approved Ordinance No. 97-47 on March 13, 1997 which amended Rule IX - HOURS OF WORK, LEAVES OF ABSENCES AND ABSENCE WITHOUT LEAVE, Section 2.3.

The Plaquemines Parish Civil Service Commission amended Rule VI, Section 10 to add paragraph 10.14 on July 9, 1997.

The Plaquemines Parish Civil Service Commission amended Rule II, Section 1.1 adding the last sentence on December 16, 1998.

The Plaquemines Parish Civil Service Commission, and the Plaquemines Parish Council on January 22, 1998 approved Ordinance 98-17, amending Rule IV - PAY PLAN to add Section 2.5 on October 27, 1997.

The Plaquemines Parish Civil Service Commission, and the Plaquemines Parish Council on January 22, 1998 approved Ordinance 98-17, amending Rule IV, Section 4 - Merit Increase with respect to eligibility dates and to include a Merit Increase Matrix on November 3, 1997.

The Plaquemines Parish Council approved Ordinance No. 98-17 on January 22, 1998, approving the amendments to Rule IV, Section 4, and adding Section 2.5.

The Plaquemines Parish Civil Service Commission amended Rule XII, Section 1.5 and 1.6, to follow the Merit Increase Table on October 23, 1998.

On November 18, 1998, the Plaquemines Parish Civil Service Commission, and on January 14, 1999, the Plaquemines Parish Council adopted Ordinance 99-9, approving changes of Rule IX, Section 3.8 SICK LEAVE, Paragraph 3.8 to require the recipient demonstrating a need for additional sick leave.

On January 14, 1999, the Plaquemines Parish Civil Service Commission, and on February 11, 1999, the Plaquemines Parish Council adopted Ordinance 99-35, approving changes of Rule IX, Section 7 HOLIDAYS, Paragraph 7.2.

On May 11, 1999, the Plaquemines Parish Civil Service Commission, and on June 10, 1999, the Plaquemines Parish Council adopted Ordinance 99-134, adopting amendments to Rule IV, Section 6 - OVERTIME PAY, paragraph 6.2 for overtime pays during a declared emergency.

On August 28, 1999, the Plaquemines Parish Civil Service Commission, and on November 18, 1999, the Plaquemines Parish Council adopted Ordinance 99-268, which was effective upon the signature of the Parish President on November 24, 1999, amending Rule IX, Section 7 Holidays.

On November 10, 1999, the Plaquemines Parish Civil Service Commission, and on December 2, 1999, the Plaquemines Parish Council adopted Ordinance 99-294, which was effective upon the signature of the Parish President on December 8, 1999, amending Rule IX - Section 2.2 Annual Leave.

On November 10, 1999, the Plaquemines Parish Civil Service Commission, and on December 2, 1999, the Plaquemines Parish Council adopted Ordinance 99-295, which was effective upon the signature of the Parish President on December 8, 1999, amending Rule IX - Section 3.2 Sick Leave.

The Civil Service Commission, on March 2, 2000, amended Rule XV adding section 1.4 allowing classified employees to participate in signing a recall petition.

The Civil Service Commission, on April 17, 2000, amended Rule VI Section 3.5 (a) paragraph 2 and omitted section 3.5 (a) paragraph 3 to comply with the Louisiana Department of Labor's request.

The Civil Service Commission, on April 17, 2000, amended Rule VI Section 8.1 (k) to comply with the Louisiana Department of Labor's request.

The Civil Service Commission, on April 17, 2000, omitted Rule VII Section 3.4 to comply with the Louisiana Department of Labor's request.

The Civil Service Commission, on September 13, 2000, and on October 26, 2000, the Plaquemines Parish Council adopted Ordinance 00-242, approving the amended Rule IX, Section 2 - ANNUAL LEAVE, paragraph 2.1 & 2.3, and Section 3.1 SICK LEAVE, per recommendation from the Kullman Firm.

The Civil Service Commission, on September 13, 2000, and on October 26, 2000, the Plaquemines Parish Council adopted ordinance 00-244, approving the amended Rule IX section 1 - HOURS OF WORK.

The Civil Service Commission, on September 17, 2000, and on October 26, 2000, the Plaquemines Parish Council adopted Ordinance 00-245, approving the amended Rule IX, Section 5 - FUNERAL LEAVE. This was effective upon the signature of the Parish President on October 31, 2000.

The Civil Service Commission, on March 23, 2001, adopted changing Rule I, Definition 30, to add grandchildren to the definition of Immediate Family.

The Civil Service Commission, on May 30, 2001, approved changes in Rule VI, Section 3.1, Section 3.3, Section 4.1, Section 5.1, Section 6.1, and Rule VIII, Section 1, and Section 2, per Louisiana Department of Labor's recommendations and legal opinion from the Kullman Law Firm.

The Civil Service Commission, on May 30, 2001, and on August 23, 2001, the Plaquemines Parish Council adopted Ordinance 01-152, approving changes in Rule IX, changing the language in paragraph 13.1, and to add a new paragraph Section 13.7 as recommended by the Kullman Firm in compliance with Community Service Block Grant Audit.

The Civil Service Commission on March 23, 2001, and on July 26, 2001, the Plaquemines Parish Council adopted Ordinance 01-129 amending Rule IX, Section 1 HOURS OF WORK (d) to require employees who are going to be absent or tardy to call their appropriate supervisor fifteen (15) minutes before their scheduled starting time.

The Civil Service Commission on September 6, 2001, approved amendments to Rule VI, Section 10.9 (c) DRUG TESTING PROGRAM. And on October 24, 2001, the Civil Service Commission approved additional changes to Rule VI, Sections 10.1 Definitions, and 10.9 (c).

After receiving an Attorney General Opinion, the Plaquemines Parish Council adopted Resolution 02-26 on January 24, 2002, requesting the Civil Service Commission to amend the Pay Plan to provide for a one-time lump sum incentive payment of \$700.00 per employee to all classified employees.

After receiving assistance in drafting language from the Kullman Firm, the Civil Service Commission, on January 8, 2002, approved changes to Rule IV to add Section 8, incentive payments and Section 9, PROCEDURE TO IMPLEMENT COST OF LIVING OR INCENTIVE PAYMENTS. The Plaquemines Parish Council approved Ordinance 02-12 on January 24, 2002, amending Rule IV.

On January 24, 2002, the Plaquemines Parish Council requested additional language to Rule IV Section 9. This was approved by the Civil Service Commission on January 29, 2002, and adopted by the Plaquemines parish Council on February 28, 2002, on Ordinance 02-28.

On January 29, 2003, the Civil Service Commission, and on February 28, 2002, the Plaquemines Parish Council adopted Ordinance 02-29 approving an Incentive Plan for 2002.

The Civil Service Commission, on August 21, 2002, and on November 21, 2002, the Plaquemines Parish Council adopted Ordinance 02-230 amending Rule IV - PAY PLAN, section 3 - APPLICABILITY, paragraph 3.3 PROMOTION and paragraph 3.5 DEMOTION.

On August 21, 2002, the Civil Service Commission adopted an amendment to Rule VII. This amendment renumbered section 4.7c as 4.8.

On October 7, 2003, the Civil Service Commission amended Rule II adding a new paragraph 4.13, and re-numbering the existing paragraphs as Sections 4.14 and 4.15

The Plaquemines Parish Council adopted Resolution No. 03-438 on November 13, 2003, requesting the Civil Service Commission to include Memorial Day and Veterans Day as permanent Holidays. The Civil Service Commission, at its meeting on December 9, 2004, amended Rule IX, Section 7 - HOLIDAYS, paragraph 7.1, and on January 8, 2004, the Plaquemines Parish Council adopted Ordinance No. 04-2 approving these amendments.

On May 6, 2004, the Civil Service Commission amended Rule IX adding new paragraph 8.3 based on Louisiana ACT No. 327 and Louisiana House Bill NO. 709 from the Regular Session of 2003 providing for differential pay for employees called to active duty in the uniformed service of the United States. On May 27, 2004, the Plaquemines Parish Council adopted Ordinance 04-136 approving this amendment.

On October 12, 2004, the Civil Service Commission, and on October 28, 2004, the Plaquemines Parish Council adopted Ordinance 04-220, approving the amended Rule IV, PAY PLAN, Section 2, GENERAL RULES, paragraph 2.5; Section 3, APPLICABILITY, paragraph 3.10; Section 6, OVERTIME PAY, paragraph 6.2 and 6.6.

The Civil Service Commission on October 20, 2004, amended Rule XII Section 1.5 to be consistent with the approval of the new adopted pay plan added Marginal in the ratings to be eligible for a pay raise.

On November 8, 2005, the Civil Service Commission amended Rule XIII, Layoffs, Section 3.2 (a). Layoff procedure.

On November 16, 2005, the Civil Service Commission, and on December 8, 2005, the Plaquemines Parish Council approved Ordinance No. 05-KO-2, amending Rule IX, Section 2.3 adding subsection (a) in order to carry over excess annual leave hours due to a declared emergency.

The Civil Service Commission on June 14, 2006, amended Rule I adding the following definitions: "Act of God", "Essential Personnel", "Mandatory Evacuation", "Natural Disaster", "Nonexempt", "State of Emergency".

The Civil Service Commission on June 14, 2006, amended Rule VIII adding Section 2.7 declared emergency leave while serving a working test period.

On June 14, 2006, the Civil Service Commission, and on July 13, 2006, the Plaquemines Parish Council approved Ordinance No. 06-92 amending Rule IV, PAY PLAN, Section 3, applicability adding 3.2 as subpart (c.); retention increase.

On June 14, 2006, the Civil Service Commission, and on July 27, 2006, the Plaquemines Parish Council approved Ordinance No. 06-93 amending Rule IV, Section 6, Overtime Pay & Rule IX, Section 4, Civil Leave, and added Section 4.2 DECLARED EMERGENCY LEAVE.

On November 21, 2007, the Civil Service Commission amended Rule XII, SERVICE RATINGS, Section 1.5 and 1.6 to change the service rating to coincide with the new performance appraisal ratings.

On January 9, 2008, the Civil Service Commission, and on March 13, 2008, the Plaquemines Parish Council approved Ordinance No. 08-42 amending Rule IV, PAY PLAN, Section 2, General Rules paragraph 2.5 providing for an implementation plan and Section 4 Merit Increase, paragraph 4.1 providing for five (5) step increase for employees satisfactorily completing their probationary period.

On February 20, 2008, the Civil Service Commission, amended Rule IX, HOURS OF WORK, LEAVES OF ABSENCE AND ABSENCE WITHOUT LEAVE, Section 3, Sick Leave, paragraph 3.4 (c) to change the minimum charge for sick leave to one hour. On March 5, 2008, the Civil Service Commission, amended Rule IX, HOURS OF WORK, LEAVES OF ABSENCE AND ABSENCE WITHOUT LEAVE to clarify that Rule IX pertains to only full-time employees. On April 10, 2008, the Plaquemines Parish Council adopted Ordinance No. 08-86 approving these changes.

On February 28, 2008, the Plaquemines Parish Council approved Resolution No. 08-77, requesting the Plaquemines Parish Civil Service Commission to consider abolishing Rule IV, Pay Plan, Section 3, Applicability. After further review and consideration, the Civil Service Commission amended Rule IV, Section 3.2 c, Retention Increase on July 29, 2008. On October 2, 2008, the Plaquemines Parish Council approved Ordinance No. 08-230 approving these amendments.

The Civil Service Commission, on August 26, 2008, amended Rule IV, Section 4.1, Merit Increase, to clarify the intent of this rule, employees hired through certification shall be granted a pay increase equal to step five (5) on the pay grade assigned to the employee's classification, but not to exceed step five (5) of their pay grade. The Plaquemines Parish Council adopted Ordinance 08-232 on October 2, 2008, approving these changes. Per the Parish Charter, Article 6 Ordinances, 6.03, the Ordinance was effective November 13, 2008.

The Civil Service Commission, on January 19, 2009, amended Rule IV, Section 3.3 PROMOTION and Section 3.5 DEMOTION, and the Plaquemines Parish Council adopted Ordinance 09-42 on February 12, 2009, approving these amendments.

The Civil Service Commission, on May 5, 2009, approved changes to Rule III, adding section 2.2 Classified and Unclassified Positions.

The Civil Service Commission, on June 30, 2009, amended Rule IX, Section 10, Leave Without Pay and Section 2, Annual Leave. On July 23, 2009, the Plaquemines Parish Council adopted Ordinance 09-165 approving the amendments.

The Civil Service Commission, on July 21, 2010, amended Rule II, Section 3 and Section 6.1.

The Civil Service Commission, on October 5, 2010, amended Rule XV, adding Section 1.5 per recommendation of the Attorney General.

The Civil Service Commission, on April 7, 2011, amended Rule VIII, Section 1.1, Section 1.3, and Section 1.4. These changes clarified six month Working Test Period, added two paragraphs to define probation evaluations are to be done before the end of three months and before the end of five months, changing “ten workdays” to “fifteen (15) calendar days” and clarifying the mandated filing date for extension of Working Test Periods.

The Civil Service Commission, on May 10, 2011, amended Rule IV, Section 3.2(a) Exceptional Qualifications and 3.2(b) Recruitment Difficulties clarifying the requirement and maximum steps assigned to an applicant as a result of exceptional qualifications. This amendment was adopted by the Plaquemines Parish Council by Ordinance Number 11-181 on July 14, 2011.

The Civil Service Commission, on August 2, 2011, amended Rule XIII LAYOFFS clarifying service rating rather than seniority in section 3.2(b), 3.4 Preferential Treatment, 3.5 Bumping, 3.6 probationary rather than probational, 4.3 clarifying annual leave pay out, and 4.4 clarifying Preferred Re-employment List.

On October 5, 2011, the Civil Service Commission, amended Rule VI Section 3.1 awarding ten (10) additional points to all applicants who meet the minimum requirements and who are residents of Plaquemines Parish.

On November 2, 2011, the Civil Service Commission, amended Rule VII by adding to Section 3, a new paragraph, requiring the Civil Service Commission to review applications to establish the eligibility list when employees of the Civil Service Department have members of their immediate family applying for a classified job with Plaquemines Parish Government.

On February 23, 2012, the Plaquemines Parish Council passed Resolution No. 12-51 declaring New Year’s Eve as a permanent holiday. On April 3, 2012, the Civil Service Commission amended Rule IX, Section 7, HOLIDAYS, Paragraph 7.1 to include New Year’s Eve as a permanent holiday for classified employees. On April 26, 2012, the Plaquemines Parish Council adopted Ordinance 12-83 approving this amendment.

On December 27, 2012, the Civil Service Commission amended Rule VII, Section 3.1 adding “an employee or” to the second paragraph and adding “position” in place of “job with Plaquemines Parish Government.”

On August 20, 2013, the Civil Service Commission amended Rule I, Section 1, Number 32 Immediate Family to encompass the definition in the Louisiana Code of Ethics.

The Civil Service Commission, at its meeting on October 16, 2014, amended Rule II, Section 4 adding a new paragraph 4.14 Request for Continuance, and moved 4.13 (d) as 4.14 (b). Then renumbered the following paragraphs.

On January 12, 2015, the Civil Service Commission amended Rule I, Rule VI - Section 6, Rule VII - Section 1, and Rule VIII - Section 1.1, removing the Promotion List and replacing it with an Employee List.

On November 7, 2014, the Civil Service Commission amended Rule IV, Section 3.2 (c) Retention Increase, requiring a job offer must be made from another employer in order to grant a Retention Hearing to retain the employee from leaving the employment of Plaquemines Parish Government. The Plaquemines Parish Council adopted Ordinance Number 15-05 approving this amendment.

In order to comply with the U. S. Department of Labor updated regulations of Exemptions for Executive, Administrative, Professional Outside Sales and Computer Employees, the Civil Service Commission at its meeting on October 10, 2016, amended the Civil Service Pay Plan reclassifying several classifications from exempt status to non-exempt status and amended Rule IV, Section 3.2 adding a new subsection a) and re-lettering the following paragraphs; The Plaquemines Parish Council at its meeting October 27, 2016 approved Ordinance 16-124 approving the amendments to the Pay Plan and Rule Book. This pay plan is to be effective and implemented on November 21, 2016.

On June 14, 2018, the Plaquemines Parish Council approved Ordinance Number 18-71 urging the Civil Service Commission to review and change Civil Service Rule XII, Section 1.3 to read as requested and Civil Service Rule IV Merit Increases, Section 4.1. The Civil Service Commission, at its meeting held on July 6, 2018, amended the Civil Service Rules as requested. The amendment to Rule XII, Section 1.3 is effective July 6, 2018. The Plaquemines Parish Council, at its meeting on August 8, 2018, adopted Ordinance Number 18-106 approving the amendment to Rule IV Merit Increases, Section 4.1.

On September 26, 2019, the Plaquemines Parish Council adopted an ordinance approving the Civil Service Resolution Numbers 19-1 Rule IV, Section 6.2 and Rule IX, Section 4.2 amending relative to Special Overtime Provisions, Civil Leave and Declared Emergency Leave. The Civil Service Commission, at its meeting held on September 17, 2019, amended the Civil Service Rules as requested. The amendment to Rule IV, Section 6.2 and Rule IX, Section 4.2 is effective September 26, 2019. The Plaquemines Parish Council, at its meeting on September 26, 2019, adopted Ordinance Number 19-118 approving the amendments to Special Overtime Provisions, Civil Leave, and Declared Emergency Leave.

On April 23, 2020, the Plaquemines Parish Council adopted two ordinances supporting and ratifying the Civil Service Resolution Numbers 20-1 and 20-2 Rule IV, Section 4.1 and 6.4 amending relative to Merit Increases and Overtime Pay. The Civil Service Commission, at its meeting held on March 11, 2020, amended the Civil Service Rules as requested. The amendment to Rule IV, Section 4.1 is effective January 1, 2020, and 6.4 effective April 23, 2020. The Plaquemines Parish Council, at its meeting on April 23, 2020, adopted Ordinance Number 20-33 and 20-32 approving the amendments to Rule IV Merit Increases and Overtime Pay, Section 4.1 and 6.4.

On March 23, 2022, the Civil Service Commission amended Rule VI, Rule VI - Section 4.1 changing the eligibility to reapply for an examination in the same class of positions within the first 45 days following the taking of the failed examination.

On May 11, 2023, the Parish Council adopted Resolution 23-149 declaring June 19<sup>th</sup> in the Parish of Plaquemines, and further, declares “Juneteenth” an observed recurring annual holiday for Plaquemines Parish Government and its employees, except those employees providing essential governmental services as determined by the Parish President to ensure the health, safety, and welfare of the people of Plaquemines Parish. If “Juneteenth” is Saturday, then the “Juneteenth” holiday shall be observed Friday, the day before; and if “Juneteenth” is Sunday, then the “Juneteenth” holiday shall be observed Monday, the day after. At its meeting on June 14, 2023, the Plaquemines Parish Civil Service Commission approved Ordinance No. 23-01 a motion to amend Rule IX Section 7, Holidays, paragraph 7.1 to include Juneteenth as a permanent holiday for Plaquemines Parish Government employees.



PLAQUEMINES PARISH  
CIVIL SERVICE COMMISSION  
RULES

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## RULE I

### DEFINITIONS

- SECTION 1. The following terms, phrases and words, when used in these Rules, shall be construed to have the following meanings:
1. "Accumulated annual leave": annual leave earned but unused.
  2. "Act of God": A sudden uncontrollable event produced by natural forces, e.g., a Flood, Tornado, Hurricane, etc.
  3. "Advance in rate of pay": a salary increase given to an employee for a reason or reasons other than a change in the classification of the employee's position or a change in the established salary range for the employee's class of positions.
  4. "Allocation": the official determination of the specific class to which a position in the classified service belongs.
  5. "Appointing Authority": any agency, board, commission, officer, official, or other individual duly empowered to make appointments to positions in the Parish classified service.
  6. "Appointment": the designation of a person by a duly empowered Appointing Authority to become an employee in a position, and the person's induction into the position.
  7. "Appropriate employment list": the list established for a particular class of positions or, in the absence of such a list, another list of the names of persons who, because they meet certain required standards or possess certain minimum qualifications, are deemed by the Department or the Director to be eligible for appointment to a position in a class other than the class for which they were examined or in which they have permanent status.
  8. "Average service rating": the simple arithmetical mean of the scores assigned on the employee service ratings forms.
  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.
  10. "Base Rate": that amount established exclusively by the Civil Service Commission as enumerated in the Salary Range and Classification Schedule 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. "Certification": a list of names of persons furnished to an Appointing Authority by the Department from an appropriate employment list, who are eligible to be considered for appointment to a position in the classified service.
12. "Certification after probation": official notice furnished by an Appointing Authority to the Director that an employee has satisfactorily completed the prescribed working test period.
13. "Class" or "Class of positions": a definitely recognized position or kind of employment in the classified service; or a group of positions in the classified service that are so nearly alike in the essential character and nature of their duties, responsibilities, and consequent qualification requirements, that they can fairly and equitably be treated alike under like conditions for all personnel purposes.
14. "Classification plan": all the classes of positions established for inclusion in the classified service.
15. "Classified Service": all offices and positions of trust or employment in the Parish service, except those placed in the unclassified service by Section 2 of Article X of the Constitution of Louisiana.
16. "Commission": the Plaquemines Parish Civil Service Commission.
17. "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; more specifically, every position in the Parish service that is not expressly excepted or included among the positions in the unclassified service.
18. "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 resultant employment list is an open list.
19. "Continuous Service" and/or "uninterrupted service", as used in the Rules, or in the Pay Plan provisions, shall mean employment in the classified Parish service uninterrupted by dismissal, resignation, retirement, or layoff.

20. "Demotion": a change of an employee in the classified service from a position of one class to a position of another class for which a lower pay grade is provided in the Pay Plan.
21. "Department": The Department of Civil Service, including both the Commission and the Director.
22. "Departmental certification": certification from a promotional register of a list of persons who already have regular status in a lower class of positions in the same department.
23. "Director": shall mean the Director of Civil Service.
24. "Division" or "division of the service" or "agency": a department or any division or subdivision thereof, or any branch, or any agency of the Parish government, or any corporation organized for public purposes, all of the positions in which are under the same Appointing Authority.
25. "Eligible": a person whose name is on a list.
26. "Employee": a person legally occupying a position.
27. "Employee List": an employment list for a class resulting from tests of fitness limited to applicants who are current employees in the classified service.
28. "Employment list": an original entrance employment list, a promotion employment list, or a reemployment list.
29. "Entrance test": a test for positions in a particular class, admission to which is not limited to persons employed in the Parish service.
30. "Essential Personnel": Any employee designated by the Appointing Authority used for achieving essential functions during a "Stage 1 Employee Response," "Stage 2 Employee Response," or "Stage 3 Employee Response" in order to safe guard the public and return the Parish to normal law and order. Any employee may be designated essential depending on the type of response needed.
31. "Examination": the entire qualifying procedure through which an applicant for a classified position must go in an attempt to achieve a place on an employment list.
32. "Exempt employees": those employees who are not otherwise entitled to overtime pay as provided by the Fair Labor Standards Act.

33. "Immediate Family": his children, the spouses of his children (daughters-in-law and sons-in-law), his brothers and sisters, the spouses of his brothers and sisters (brother-in-law and sister-in-law), his parents, his spouse, the parents of his spouse (mother-in-law and father-in-law), his grandparents and grandchildren.
34. "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.
35. "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.
36. "Leave year": a continuous period of twelve (12) calendar months beginning on January 1 of any year.
37. "List": an employment list, an original entrance employment list, a promotion employment list, or a reemployment list.
38. "Mandatory Evacuation": An order issued by the Parish President mandating people to leave a place of potential danger and go somewhere safe.
39. "Natural Disaster": Events of nature that takes human lives or destroys property.
40. "Nonexempt": Employees who are entitled to overtime pay as provided by the Fair Labor Standards Act.
41. "Open list": a list to which eligibles may be added from time to time through the continuous examination procedure.
42. "Organization unit": any administrative agency or part thereof that is designated by Rule or regulation as a unit for purposes of administration of the Law.
43. "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.
44. "Parish service" or "civil service of the Parish": all offices and positions of trust or employment in the Parish, or any department, agency, board, commission, or any division or subdivision of any department, agency, board,

or commission, or any corporation organized for public purposes, including persons employed by the Parish or joint federal and Parish agencies administering Parish 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 Parish treasury, either in whole or in part, except those positions excepted by the provisions of Article X of the Constitution of Louisiana.

45. "Pay": salary, wages, 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 service rendered in any position, but excluding allowances for expenses authorized and incurred as incidents to employment. Pay in the form of Parish contributions to employee insurance and retirement benefits programs shall not be subject to the Commission Pay Plan and Rule making authority.
46. "Pay plan": all the scales or rates of pay prescribed under the provisions of the Law by the Commission and approved by the Parish Council for classes of positions in the classified service.
47. "Pay status": an employee's presence for work or absence on authorized leave with pay during and through each working day in a specific pay period.
48. "Position": any office or any employment in the service of the Parish, or any two or more of them in combination, the duties of which call for services to be rendered by one person, including positions jointly employed by federal and Parish agencies administering federal and Parish relief funds.
49. "Prohibitions against political activity": those restrictions adopted by the Commission and prescribed either in the Rules or by Regulation, which prohibit participation by employees in activities which the Commission deems of a political nature.
50. "Promotion": a change of an employee in the classified service from a position of one class to a position of another class for which a higher pay grade is provided in the Pay Plan.
51. "Promotion test": a test for positions in a particular class, admission to which is limited to employees in the classified service who are holding a position in a lower class.
52. "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.

53. "Public notice": the posting of a notice of intention on the part of the Commission or the Director to take a certain action, such notice to be posted on a bulletin board located at the office of the Department or published in the official journal or journals of the Parish, or both.
54. "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 the employee was separated. Also, the reappointment of a present employee who had been demoted.
55. "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.
56. "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 prescribed working test period.
57. "Regular hourly base rate": a gradient mode of salary converted from any of the uniform salary steps established exclusively by the Commission.
58. "Regulation": a definition, policy, or mode of procedure, consistent with the Rules, formally prescribed in writing by the Director or the Commission to govern the manner of giving impetus or effect to the Law or these Rules. For this purpose, all such regulations shall be recorded in a Book of Regulations.
59. "Reinstatement": the reappointment of a working test employee or a regular employee who has been separated from their position for reasons other than fault or delinquency on their part to a position of the same class.
60. "State of Emergency": The suspension of normal law and order procedures and the introduction of strict controls of the population so that an emergency can be contained.
61. "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.

62. "Service rating": the evaluation of an employee's job performance, made by the employee's immediate supervisor or Appointing Authority in accordance with the methods prescribed by the Director.
63. "Sick leave": an employee's absence from duty because of the employee's illness, injury, hospitalization or exposure to a contagious disease, or for medical, dental or optical consultation or treatment for the employee.
64. "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.
65. "Termination of service": separation of an employee from Parish service by reason of death, resignation, layoff, dismissal, expiration of the term of appointment, or failure to return after the expiration of a period of authorized leave.
66. "Test": a specific phase of the examination process, such as a written test, a performance test, an oral interview, an experience rating, etc.
67. "Transfer": the reassignment or change of an employee from a position in one organization unit to a position in another organization unit in the same classification.
68. "Unassembled examination": an examination or test the candidates for which are not all assembled in the same place at the same time.
69. "Working test period": the period prescribed by the Director, during which an employee is considered to be in an on-the-job test situation immediately following the employee's appointment. The term "probation period" shall be considered identical with the term "working test period".
70. "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 term "probational employee" shall be considered identical with the term "working test period employee".

## RULE II

### ORGANIZATION, RULES AND PROCEDURES OF THE CIVIL SERVICE COMMISSION

#### SECTION 1. ORGANIZATION OF THE COMMISSION

- 1.1 The Civil Service Commission ("Commission") shall be appointed or elected as provided by the Constitution and the appropriate Articles. Each Commissioner shall serve until his successor is appointed.
- 1.2 Election of Chairman and Vice Chairman: At the regular meeting in January of each year, the Commission shall elect a Chairman and a Vice Chairman, who shall assume the duties of Chairman in the absence of the Chairman.
- 1.3 Term of Chairman and Vice Chairman: The Chairman and Vice Chairman shall serve for a term of one (1) year, or until their successors are duly elected.
- 1.4 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.

#### SECTION 2. RULES

- 2.1 Adoption or Amendment: These Rules shall be adopted or amended only after a public hearing by the Commission.
- 2.2 Effective Date of Amendments: Unless otherwise specifically provided, any Rule or amendment to the Rules shall become effective on the first day of the month following the date of approval by the Civil Service Commission.

#### SECTION 3. MEETINGS

- 3.1 The Commission shall meet at such time and place as designated by its Chairman or by a majority of members of the Commission evidenced in writing.
- 3.2 Meetings Open to the Public.
  - a. All meetings and hearings of the Commission shall be open to the public except executive meetings.
  - b. The Commission may hold an executive meeting upon an affirmative vote of two-thirds of its constituent members present, taken at an open meeting for which notice has been given pursuant to Rule 3.3. No final or binding action shall be taken during an executive meeting.

- c. The Commission may hold an executive meeting for one or more of the following reasons:
  - 1. Discussion of the character, professional competence, or physical or mental health of a person, provided that such person may require that such discussion be held at an open meeting.
  - 2. Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect of the bargaining or litigating position of the Commission.
  - 3. Discussion regarding the report, development, or course of action regarding security personnel, plans, or devices.
  - 4. Investigative proceedings regarding allegations of misconduct.
  - 5. Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances or other matters of similar magnitude.
  - 6. Discussion of any matter deemed confidential by these Rules, or State or Federal Law or Regulation.
  - 7. Consideration and discussion of the merits of any appeal filed pursuant to these rules.

### 3.3 Notice of Meetings.

- a. The Commission shall give written public notice of any regular, special, or rescheduled meeting no later than 24 hours before that meeting. Such notice shall include the agenda, date, time, and place of the meeting, provided that upon the approval of two-thirds of the members present at a meeting of the Commission, the Commission may take up a matter not on the agenda. In cases of extraordinary emergency, such notice shall not be required; however, the Commission shall give such notice of the meeting as it deems appropriate and circumstances permit.
- b. Written public notice shall include:

1. Notice of each meeting or hearing shall be posted on all Parish Council, Civil Service and department bulletin boards and in the building where the meeting or hearing is to be held for a period of, at least, twenty-four (24) hours preceding the date of the meeting or hearing.
  2. Mailing a copy of the notice to any member of the news media who requests notice of meetings of the Commission.
- 3.4 Three (3) members of the Commission shall constitute a quorum for the transaction of business. When only a minimum quorum is present, any vote must be unanimous.
- 3.5 The Civil Service Commission Director ("Director") shall serve as secretary to the Commission and shall keep adequate minutes and other records of Commission action.
- 3.6 Unless the Commission specifies otherwise, its meetings shall be held at its offices or a location specified by the Commission.
- 3.7 Powers of the Commission.  
The Commission is empowered:
- a. To represent the public interest in the improvement of personnel administration in the departments whose personnel practices are governed by the Article X of the Louisiana State Constitution and the Plaquemines Parish Civil Service Rules.
  - b. To appoint, remove and discipline the Director.
  - c. To conduct investigations whenever it has reason to believe the provisions of the Article X of the Louisiana State Constitution and the Plaquemines Parish Civil Service Rules are being violated or have been violated by any person or department; and to hold public hearings when charges of such violations have been filed with it. The Commission may issue appropriate orders in any such case, in addition to those orders provided for in Subsections (h) and (i) of this Rule.
  - d. To make, alter, amend and promulgate Rules as authorized by the Article and otherwise to provide for the establishment and maintenance of a Civil Service system in departments of Plaquemines Parish Government.

- 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.

## RULE III

### CLASSIFICATION PLAN

#### SECTION 1. OBJECTIVES

- 1.1 The position-classification plan, shall provide a complete inventory of all job classifications being performed within the classification system, according to the job-related factors such as the nature, scope and complexity of work, job responsibilities, and minimum/desired qualifications. The primary purpose of the plan shall be to establish and maintain a framework for the fair and equal treatment of all employees in all job functions. The plan assigns job classes to a pay range. This is set out in the Salary Range and Classification Schedule.

#### SECTION 2. PLAN MAINTENANCE

- 2.1 The classification plan shall be maintained and administered by the Director. The duties and responsibilities of each position in the classified service of the Parish shall be subject to study and review by the Director for purposes of classification. The Director shall recommend to the Commission any changes in the plan.

#### 2.2 Classified and Unclassified Positions.

- a. All departments and persons subject to Article X of the Louisiana State Constitution are governed by these Rules.
- b. Subject to the provisions of Sub-section c. and d. of this Rule, all officers and employees of Plaquemines Parish are in the Classified Service.
- c. Subject to the provisions of Sub-section d. of this Rule, the following officers and employees of Plaquemines Parish shall be in the Unclassified Service.
  - 1) Elected officials and person appointed to fill vacancies in elective offices.
  - 2) The head of each principal executive department appointed by the Parish President as defined by the Parish Charter.
  - 3) Parish Attorneys.
  - 4) Registrar of voters.

- 5) Members of Parish boards, authorities, and commissions.
  - 6) One person holding a confidential position and one principal assistant or deputy to any officer, board, commission or authority mentioned in 1), 2), 3), or 4) above, except the Plaquemines Parish Department of Civil Service.
  - 7) Employees, deputies, and officers of the Parish Council and of the office of the Parish President, Plaquemines Parish School Board, Assessor, and of all offices provided for in Constitutional Article V (Judges, District Attorney, Sheriffs, Clerk of Court, and Coroner).
  - 8) Commissioners of elections, watchers, and custodians and deputy custodians of voting machines.
- d. The Director, upon submission by an Appointing Authority of written justification deemed adequate by him. May add to the unclassified service positions involving duty assignments which are seasonal, temporary, or intermittent.
  - e. The Commission may add to the unclassified service the positions of all persons rendering personal service to Plaquemines Parish, or any agency thereof, pursuant to a contract for such services which, after review by the Director in accordance with Civil Service Rule III is determined to provide personal services which can not or should not be performed by a classified employee.

### SECTION 3. CLASSIFICATION ACTION

- 3.1 The Director shall consider the creation, reallocation, reassignment or abolishment of any class of positions for which such a request is made, provided no other similar request has been submitted within 90 calendar days.
- 3.2 Department heads may initiate requests to the Director for the creation, reallocation, reassignment or abolishment of any class when the requestor believes that changes in program or organization have had a permanent and substantial effect on the assignment and scope of duties and responsibilities therein, or as a result of a study or survey. Action to create, abolish, reassign or reallocate a class shall be subject to approval by the Commission.
- 3.3 If an employee believes the employee's position has been improperly reallocated, the employee may protest the reallocation and request a hearing.

The Director, or any person designated by the Director may hold special hearings to determine the facts of each case. The Director, or any person designated by the Director, may require the employee, or any other party, to produce and present pertinent forms or documents. The Director shall make a decision on the basis of the written statements and forms presented by the employee and 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 4. FORCE AND EFFECT OF CLASSES

- 4.1 The Director shall prepare and maintain a set of descriptive specifications for each of the classes of positions in the classification plan. The specifications, and their various parts shall have the following force and effect:
- a. Use, in a class specification, of a particular expression or illustration of duties shall not be interpreted or held to exclude other duties not mentioned that are of similar kind or quality.
  - b. In determining the class to which a position should be allocated, consideration shall be given to the general duties, specific tasks, responsibilities, and qualification requirements of the position in relationship to similar considerations for positions embraced by other classes.
  - c. The following are qualifications commonly required for all classified positions: the ability to perform the essential functions of the position with or without reasonable accommodation, United States citizenship, residency within the Parish of Plaquemines (except when waived), honesty, sobriety, industry, and the ability and willingness to learn and apply all safety rules and other administrative policies not inconsistent with the Civil Service law or the Rules and Regulations adopted by the Commission, are deemed as qualification requirements for each class, even though they are not specifically mentioned in the class specifications.
  - d. Any code number assigned to a class of positions by the Department may be used in all official records of the Parish in place of the actual class title.

#### SECTION 5. USE OF CLASSIFICATION TITLES

- 5.1 No employee shall be appointed, employed, or paid under any title other than that of the class to which his position has been allocated. 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. The title of each class shall be used to the exclusion of all other on all payrolls, budgets and official records and reports.

## RULE IV

### PAY PLAN

#### SECTION 1. OBJECTIVE

- 1.1 The pay plan shall be designed to identify and define levels of salaries for work performed within the Parish classified employee's system, based on job evaluation and a study of salary and fringe benefits. Job evaluation shall establish internal equity and the salary and fringe benefits study shall establish external comparability. The primary purpose of the plan shall be to provide a method of compensation that can be applied consistently to all job classifications.

#### SECTION 2. GENERAL RULES

- 2.1 The Pay Plan shall include a Pay Schedule with a minimum, a midpoint, a maximum, and as many intermediate rates as deemed necessary by the Commission. The plan shall become effective when approved by the Commission and the Council.
- 2.2 All changes in an employee's rate of pay, for any reason, shall be submitted by the Appointing Authority to the Director on required forms, reviewed for compliance with this rule, and approved by the Director prior to becoming effective.

The Director shall have the authority to disapprove any change in rate of pay which does not comply with this or any other rule adopted by the Commission. The Appointing Authority may request a review of a decision under this section by the Commission. The Commission shall respond to the Appointing Authority's request within ten (10) days.

- 2.3 The Director shall perform an annual audit of the prevailing compensation levels for such benchmark classes as deemed requisite to the proper review of the Pay Plan. Based on the findings of the study, the Director shall submit recommendations to the Commission for review and approval. Any changes shall become effective when approved by the Commission and the Council.
- 2.4 When it is determined that pay ranges are to be adjusted as part of the implementation of a general increase (ie., cost of living increase or increase resulting from an external survey), the procedure will be to add the same percentage increase to the midpoint of each pay range followed by a recalculation of the minimum and maximum and intermediate rates of each pay range.

- 2.5 Periodically, the Civil Service Commission may authorize an independent consultant to perform a complete analysis of the Pay Plan to ensure competitiveness of the salary range structure. Whenever a position(s) is reassigned to a new salary range or if the salary range structure is revised, the salary(ies) of the affected employee(s) shall be determined as follows:
- a. If a position is moved to a higher range, the salary of each employee whose current salary is not equal to a step within the higher range assigned will be adjusted to be equal to the next higher step in that range.
  - b. No employee will be decreased in salary due to the implementation of a new Pay Plan.
  - c. If the employee(s) pay is within the revised salary range structure, the employee will move to the next higher step.
  - d. The Pay Plan shall become effective thirty (30) days after approval by the Plaquemines Parish Council or on a date set by the Plaquemines Parish Council. Salary adjustments will be made as of the beginning of the first pay period following the effective date.

The Commission may approve any other implementation plan recommended by the Director, provided that the implementation plan can be applied uniformly to all classification.

### SECTION 3. APPLICABILITY

- 3.1 The pay of all positions in the classified service shall be determined in accordance with the Pay Plan in effect and in accordance with these Rules, regardless of any provisions or appropriations for any different salary rate or mode of payment for any position. No person employed in a classified position shall be paid at less than the minimum rate nor more than the maximum rate provided for that class of positions, except as specifically permitted elsewhere in this Rule, or as specifically provided in the Pay Plan.
- 3.2 All appointments in the classified service shall be made at the minimum rate or such other starting rate specifically authorized by the Commission, except that:
- a. If a classification is classified as Exempt under the Fair Labor Standard Act and the minimum required salary to qualify for exempt status is below the required Fair Labor Standard Act requirements, the Director has the authority to move the employee to the step on the pay grade

assigned to that classification to be in compliance with the required Fair labor Standard Act minimum salary to qualify as Exempt.

- b. Exceptional Qualifications: In cases where the applicant possesses exceptional qualifications directly related to the classification to which the applicant will be or has already been appointed, the Appointing Authority can recommend to the Director that the applicant be assigned up to step 15 of the pay grade for that class.

The request for the Exceptional Qualifications salary adjustment must be received by the Director at least 15 calendar days prior to the expiration of the Working Test Period of the employee. If the mandated filing date falls on a Saturday, Sunday or legal holiday, then the fifteen day filing period will be extended to the end of the next day which is not a Saturday, Sunday or legal Holiday. Approval is required by the Director before the salary adjustment becomes effective.

- c. Recruitment Difficulties: If, because of changes in market conditions, the entry level of pay for a class has not attracted qualified applicants, the Commission may establish a Special Entrance Rate for the Class. All new appointments will be made at the Special Entrance Rate.
- d. Retention Increase: The Appointing Authority may request the Civil Service Commission to grant special adjustments in pay for individual employees who have a job offer from another employer. The Commission may hold a Retention Hearing, open to the public, to determine the justification for an increase in pay.

Any adjustment in pay shall be granted only within the pay grade to which the employee's position is allocated.

A Retention Increase can only be approved for an employee twice during his employment with the Parish.

Retention Increase shall only apply to the employee seeking the pay adjustment.

The Appointing Authority shall attach the following information to the retention request when presented to the Commission for consideration.

- 1) The name of the employee and length of service.
- 2) Classified job title of the employee.
- 3) The adjustment amount (requested salary, pay range and step - present salary, pay range and step = adjustment

amount) shall not exceed the maximum of the salary range.

- 4) Any information that the Commission feels that may be important to the situation such as a chronology of events or actions that affected the employee.
- 5) The Appointing Authority shall provide a written job offer from the organization and signed by the person making the job offer, if one exists.
- 6) Requested effective date of the increase.

3.3 **PROMOTION:** When an employee is promoted from one class of work to another having a higher pay range, whether by appointment from an eligible list or by reallocation in accord with Rule III, Section 3.1 of these Rules, the employee shall receive a pay increase to the minimum of the higher pay range, except that, if such increase is less than an eight-step increase in the former pay range, the employee shall receive, subject to availability of funds, a pay increase to a step in the higher pay range which is equal to or greater than an eight-step increase in the former pay range.

3.4 **TRANSFER:** When an employee is transferred laterally from one class of work to another within the same pay range, the employee shall retain the current pay rate.

3.5 **DEMOTION:** When an employee is changed from one class of work to another having a lower pay range, the employee's pay rate shall be decreased eight steps, then adjusted to the lower range. If the employee's decreased salary falls between two steps on the lower range, his pay rate shall be adjusted to the lower range. If the employee's decreased pay rate is over the maximum rate for the lower class, the employee's pay rate shall be adjusted to the maximum rate for the lower class.

3.6 **REINSTATEMENT:** When a former employee is reinstated under the provisions of these Rules, or reemployed from a reemployment list, the employee shall be paid at the former pay rate if it is within the appropriate current pay range or adjusted to the next higher step in the current pay range.

3.7 **REALLOCATION:** Positions may be reallocated to a higher or lower range based on changes in responsibilities, department reorganization, etc. Whenever a position(s) is reallocated in accordance with this provision, the salary(ies) of the affected employee(s) shall be determined as follows:

- a. If a position(s) is reallocated to a higher range, the pay of the employee(s) in such position(s) shall be adjusted in accordance with the provisions covering Promotion (3.3) described above.

- b. If a position(s) is reallocated to a lower range and the employee(s) in such position(s) have a hire date prior to October 13, 1995, the pay of such employee(s) shall be adjusted in accordance with the provisions of Section 3.9 b and c described below.
- c. If a position(s) is reallocated to a lower range and the employee(s) in such position(s) have a hire date on or after October 13, 1995, the pay of such employee(s) shall be adjusted in accordance with the provisions covering Demotion (3.5) described above.

3.8 TEMPORARY ASSIGNMENT: When an employee is assigned on a temporary basis, for a short-term duration, to another position, no pay adjustment shall be required. However, if the position to which the employee is assigned is in a higher pay range, the Appointing Authority may recommend to the Director that an appropriate pay adjustment be authorized during the term of the assignment, which may not exceed six months. Approval of the Director is required before the pay adjustment becomes effective. Upon completion of the temporary assignment and return to the regular position, the employee's pay shall be reduced to the former pay rate.

3.9 Whenever existing occupied positions, not previously within the classified service, are brought within the classified service, the salaries of incumbent employees shall be determined as follows:

- a. If the employee's rate of pay is below the minimum rate established for the appropriate classification, the employee's rate shall be increased to the minimum rate.
- b. If the employee's rate of pay is within the pay range established for the appropriate classification, but does not conform to one of the established step increments, the employee's pay rate shall be adjusted to the next higher step.
- c. If an employee's rate of pay exceeds the maximum rate established for the appropriate classification, the employee shall not be required to suffer a salary reduction, but shall be ineligible for any further pay increases until such time as the maximum rate for that classification exceeds the employee's rate of pay.

3.10 Whenever part-time service is rendered, the appropriate hourly pay rate shall be determined by dividing the annual pay rate for the appropriate classification established in the Salary Range and Classification Schedule by the normal straight time hours scheduled per year. (i.e. 3432 hours per year for EMT

classifications; 2184 per year for Marine classifications; and 2080 hours per year for all other classifications.)

- 3.11 Whenever the Pay Plan is amended to set a higher range for any class or classes of work, with the express approval of the Council, additional "across the board" pay increases may be granted to all employees occupying positions in the class or classes affected in order to maintain an equitable balance between employees; provided, however, that, under no condition, may an employee's rate of pay be increased beyond the maximum rate of pay fixed for that employee's classification.

#### SECTION 4. MERIT INCREASES

- 4.1 Generally, conditioned upon the availability of funds, an employee entering into the classified Parish service shall be hired at the minimum rate prescribed for the class of work in which employed; exceptions being permitted only as elsewhere specifically provided in this Rule or in the Special Pay Provisions of the Pay Plan. All employees hired or promoted through certification shall be granted a pay increase upon satisfactory completion of their six (6) month working test period. The pay increase shall be equal to step five (5) on the pay grade assigned to the employee's classification and approved by the Director. In no instance shall this increase place an employee above step five (5) of their pay grade.

Effective January 1, 2019, all employees in the classified Parish service shall, subject to the availability of funds and satisfactory work performance, be eligible for a merit pay increase on each individual employee's Pay Raise Eligibility Date, which shall be the first day of each calendar year after the employee has completed one year of Parish service. Those employees not receiving a year of service by September 1<sup>st</sup>, but completes a year of service by December 31<sup>st</sup> shall be eligible to receive a merit increase. If approved, the merit pay increase shall be based on the employee's most recent "service rating" and the Pay Plan's Merit Increase Table and shall become effective on the first day of the pay period immediately following the Pay Raise Eligibility Date."

- 4.2 Since the implementation of the orderly pay raise policy set forth in 4.1 above presupposes both the availability of funds and satisfactory work performance, the granting of the pay increases permitted under that Section shall not be considered automatic nor mandatory. However, it shall be the policy of the Parish to grant pay raises in accordance with this plan to the extent possible.

When an employee is not granted a Merit pay increase within one (1) pay period from the employee's Pay Raise Eligibility Date, the employee shall be

furnished written reason or reasons for the denial and a copy of the statement shall be forwarded to the Civil Service Department for inclusion in the employee's personnel record. If an employee is not furnished written reason or

reasons as required hereunder, or if the employee makes a specific allegation that the denial of the pay raise was due to racial, religious, political or other discrimination unrelated to merit factors of employment or the unavailability of funds, the employee may file a written appeal to the Commission in accordance with the conditions outlined in Rule II, Section 4 of these Rules. An employee who fails to appeal timely under this Rule shall have no further recourse.

## SECTION 5. PAY REDUCTIONS

5.1 In accordance with the provisions of Rule X, an Appointing Authority may reduce an employee's pay rate for cause; provided, however, that the pay resulting from the reduction must conform to one of the steps in the appropriate range and in no case be less than the established minimum rate.

5.2 When an employee is demoted to a position in a class of work having a maximum salary rate which is lower than the employee's current pay rate, the employee's pay must be reduced to the maximum rate provided.

## SECTION 6. OVERTIME PAY

6.1 Based on the needs of the Parish, an employee may be required or authorized by appropriate supervisory authority to work anytime when the employee would not normally be scheduled for duty. Whenever such work is required and/or authorized, the employee shall be compensated for all such work by monetary payment as hereinafter set forth which is in accordance with the Federal Fair Labor Standards Act.

Overtime compensation shall be paid at a rate of one-and-one-half (1 ½) times the regular hourly compensation for actual hours worked in excess of forty (40) hours in any one work week. There shall be no pyramiding of overtime hours in computing overtime pay.

No overtime work whatever shall be performed without proper supervisory authority and/or approval. Employees so assigned must perform the overtime, unless excused by their immediate supervisor.

a. For nonexempt employees, compensation shall be paid at a straight time rate of pay for actual hours worked up to forty (40) hours in any one work week.

- b. For exempt employees, overtime pay provisions shall not routinely apply to classes of work designated as Exempt in the Pay Plan. It is expected that employees in the Exempt classes will work whatever hours are required to satisfy the needs of the Parish, and that they will adjust their working schedules to meet such needs. However, whenever it is deemed justified, an Appointing Authority may authorize overtime pay for such employees.

## 6.2 Special Overtime Provisions.

These provisions apply to both exempt and nonexempt employees and may only be invoked by the Appointing Authority.

- a. When the Appointing Authority declares “Stage 1 Employee Response,” overtime compensation for work in preparation of an approaching weather event or emergency or for work caused as a direct result of an emergency, such as cleanup, repairs, replacement of public right of ways, damaged equipment, building and infrastructures, and the required paperwork, shall be paid at a rate of one and one-half (1 ½) times the regular hourly compensation for all hours in excess of the normal scheduled work hours per day provided that the overtime is approved by the Appointing Authority.
- b. When the Appointing Authority declares “Stage 2 Employee Response,” all employees who are designated as essential personnel, exempt and nonexempt, shall be compensated at the rate of one and one-half (1 ½) times the regular hourly compensation for all hours worked provided they are performing the job duties as directed by the Appointing Authority.
- c. When the Appointing Authority declares “Stage 3 Employee Response,” all employees who are designated as essential personnel, exempt and nonexempt shall be compensated at the rate of two (2) times the regular hourly compensation for all hours worked provided they are performing the job duties as directed by the Appointing Authority.
- d. Essential personnel who fail or refuse to report to work during a declared “State of Emergency” will be subject to disciplinary action up to and including termination.”

## 6.3 Absence from work by reason of any form of authorized leave, with or without pay, and holidays with pay shall not be considered as time worked for purposes of overtime pay eligibility determinations.

Overtime work on one day shall not relieve an employee of the responsibility to

report for work at the regularly scheduled time on the next ensuing day.

- 6.4 Whenever an employee works on one of the holidays granted by Rule IX, Section 7, in addition to the regular holiday pay, the employee shall be paid for the time actually worked on the holiday.
- 6.5 Weekly overtime pay shall be computed to the nearest one-half (½) hour (i.e., 15 minutes work = 30 minutes pay, 14 minutes work = 0 minutes pay).
- 6.6 Certain employees may be required, during non-working hours, to "stand-by" (be available) for emergency call-out, and when placed on "stand-by" shall be compensated at a straight-time rate of one (1) hour's pay for each six (6) hours of non-working stand-by time, in addition to any pay for work actually performed as a result of call-out.

If an employee on stand-by is unavailable for call-out or fails to respond to a call-out, the employee shall forfeit all stand-by pay for the stand-by period assigned and, in addition, may be subject to disciplinary action.

Within the context of this Rule, the term "stand-by" shall mean only that the employee is required to be available for ready communication and duty assignment, but otherwise is reasonably free for personal pursuits. In the case of severe restrictions or repetitive and frequent call-outs, the employee shall be considered to be on regular duty and shall be paid accordingly.

To place an employee on stand-by, an Appointing Authority shall notify the employee in writing that the employee is being placed on stand-by, and the notice shall include the specific stand-by period(s) required.

An employee who is subject to call-out outside of normal working hours, but who is allowed complete discretion regarding the availability for call-out, and who is not subject to disciplinary action for unavailability, is not considered to be on "stand-by" and is not entitled to "stand-by" pay as provided in this Section.

Employees who are called out and report for work shall be guaranteed a minimum of two hours pay, but any pay for work not actually performed shall not be credited for overtime compensation purposes.

EMT classifications are considered on-call twenty-four (24) hours per day for regular on-duty days and are paid for eighteen (18) hours per on-duty day with six (6) hours down time for sleeping and meals. On shift change days, the pay is for all hours on-duty.

- 6.7 Special terms of work may be specified in the Pay Plan for certain classes of work (i.e., "route rates" for refuse collectors), but in every such case, the terms of work

and the base pay rates therefore shall be equated with base hours of work designated in the Pay Plan.

## SECTION 7. MAINTENANCE AND ALLOWANCE

- 7.1 Allowance provided in addition to cash salary shall be considered as part payment of the salary due the recipient under the salary plan for the employee's class of position, and their cash value, as appraised by the Human Resources Manager, shall be taken into account in computing the salary for purposes of the salary plan.

Examples of such allowances are: meals, lodging, living quarters, laundry, and maintenance provided for others on behalf of an employee.

Reimbursement of actual and necessary expenses authorized or incurred as incidents to employment shall not be considered as deductible allowances; contributions or payments made by the Parish for the purpose of providing group insurance and/or retirement benefits shall not be considered as deductible allowances.

## SECTION 8. INCENTIVE PAYMENTS

- 8.1 When it is determined that the cost of living has increased and that pay ranges have not been adjusted as permitted by Rule IV, Section 2.4, or that the adjustments have not fully compensated for the increase in the cost of living, a special incentive payment in addition to an employee's usual compensation may be made to all classified employees, subject to prior approval of the Commission and the availability of funds, 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, calculation on subsequent merit, cost of living and other increases, or for any other purpose whatsoever.
- 8.2 A payment under this section in a prior year is not determinative as to whether payments under this section should be subsequently re-authorized to maintain the competitiveness of the pay plan with the market.
- 8.3 Payments under this section may be authorized for distribution as a lump sum or periodic payment, equally divided, as determined by the Council and approved by the Commission, so long as the payments are not more frequent than the employee's normal pay period. Regardless of the number of payments, neither the Council nor the Commission shall authorize payments to provide additional pay for work already performed or advance pay.
- 8.4 In the event that the payment under this section is authorized for distribution as

a lump sum, or as semiannual or quarterly payments, the employee must be employed on the date of distribution in order to receive a payment under this section. Part-time employees and employees who are employed after payment under Section 8.1 has been finally approved shall be paid on a pro-rated basis as determined by the Commission.

8.5 No payments shall be made under this section in any year in which the merit pay raises have not been fully funded.

SECTION 9. PROCEDURE TO IMPLEMENT COST OF LIVING OR INCENTIVE PAYMENTS.

9.1 The Parish Council shall submit to the Commission for its consideration any cost-of-living increase or incentive payments it deems necessary. The Commission shall then review the requested changes and if approved the Commission shall amend the Pay Plan and send the amendment to the Parish Council as an ordinance to approve or reject the amendment as submitted.

9.2 If rejected by the Parish Council, it shall send written reasons to the Commission explaining reasons for rejection. If rejected by the Commission, the Commission shall send written reasons to the Parish Council explaining reasons for the rejection.

9.3 Any change to the Pay Plan that provides for a cost-of-living lump sum payment or an incentive payment to employees shall provide that no payment may be made until the passage of 180 days after the final approval of the amendment to the Pay Plan authorizing such payment is approved by the Parish Council.

## RULE V

### RETIREMENT AND PENSION SYSTEM

- SECTION 1. The Parochial Employees' Retirement System of Louisiana and any other retirement system already established, and the right and benefits of employees provided thereunder, are hereby recognized.
- SECTION 2. The Employees Retirement System of Plaquemines Parish, Louisiana, and all the rights and benefits of employees and their beneficiaries provided thereunder, as set forth in various Ordinances and Resolutions is hereby established and recognized, and, by reference, is incorporated in and made a part of these Rules.

## RULE VI

### EXAMINATIONS

SECTION 1. The Director shall establish, operate, and administer policies, methods, and procedures for holding competitive tests to determine the merit and fitness of candidates for original appointment and promotion in the Parish service.

#### SECTION 2. APPOINTMENT OF EXAMINERS

2.1 To provide assistance in the preparation and rating of tests, the Director may select officers or employees in the Parish service to act as examiners. An Appointing Authority shall excuse any employee so selected from the employee's regular duties for the time required for the employee's 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 travel and other expenses incidental thereto.

2.2 To assist in the examination of candidates for positions of high responsibility or positions requiring unusual qualities or qualifications, the Director may retain the services of persons from within or without the Parish who, because of their experience or for other reasons, have special acquaintance with the requisites for such positions.

#### SECTION 3. ADMISSION TO EXAMINATIONS

3.1 This rule allows for discretion by the Director or Appointing Authority. Such discretion will not be used to discriminate or otherwise base decision-making on illegal criteria.

Admission to examinations held by and under the authority of the Director shall not be restricted by reason of race, color, national origin, sex, religion, age, disability, or politics.

Applicants who are residents of Plaquemines Parish shall be accorded preference over nonresidents; and, to this end, the Director may require applicants to furnish acceptable evidence of residency. All applicants who are residents of Plaquemines Parish and who have attained marks on the test or examination which meet the minimum requirements imposed for the position shall have added to their earned grade an additional ten (10) points. Residency preference may be waived only upon written request by the Appointing Authority and approval by the Director.

- 3.2 When tests are given in series and the tests for the higher classes in the series include all parts of the tests for the lower classes, competitors who fail to qualify as eligible for appointment to positions in the class for which they took tests may be rated with reference to their eligibility for a lower class or classes in the series.
- 3.3 The Director shall fix requirements of training, residence, skill, education, and other qualifications for admission to examinations.
- 3.4 The Director shall give public notice of each entrance test at least two (2) calendar weeks in advance of the test by posting an announcement on the bulletin boards maintained in or near the offices of the Civil Service Department or by publishing a brief abstract of the notice in the official journal or journals of the Parish and in such other manner as the Director considers appropriate.
- 3.5 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.
- a. Subject to the Rules, the Director shall reject the application of any person for admission to any test of fitness, or refuse to test any applicant, or cancel the eligibility of any eligible on any employment list, who:
- 1) Is found to lack any of the qualifications prescribed as requirements for admission to the tests for the class for which the person has applied.
  - 2) Because of character, reputation, criminal conviction or employment history, the Director deems unfit for employment in the class of work for which the person has applied.
  - 3) Is found to use drugs or intoxicating liquors to excess.
  - 4) Has practiced or attempted to practice deception or fraud in any application, or any test, or otherwise, in securing eligibility for appointment or attempting to do so.
- b. Any of the conditions enumerated in a. above which are found to be applicable to any employee in the classified service shall result in the immediate dismissal of such employee.

- 3.6 The close of business on the date announced in the public notice of tests shall be the time fixed for closing receipt of applications. Applications received in the office of the Director after this time shall be rejected.

#### SECTION 4. CONTINUOUS EXAMINATIONS

- 4.1 This rule allows for discretion by the Director or Appointing Authority. Such discretion will not be used to discriminate or otherwise base decision-making on illegal criteria.

Subject to these Rules, the Director may hold examinations for which no final filing date has been set and which will be given on more than one date and from which the resulting employment list is an open list. A candidate who has failed to qualify as eligible may not reapply for an examination for the same class of positions within the first 45 days following the taking of the failed examination.

#### SECTION 5. RESULTS OF EXAMINATIONS

- 5.1 This rule allows for discretion by the Director or Appointing Authority. Such discretion will not be used to discriminate or otherwise base decision-making on illegal criteria.

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 as follows: (1) The period of eligibility for each person on such lists shall be six (6) months, unless extended under the provisions of Section 6.3 of this Rule; (2) Eligibles shall be listed on the employment list in accordance with their highest rating or rerating on the examination.

- 5.2 The Director shall keep the papers, test forms, and other documents of candidates for examinations available for their inspection for a period of thirty (30) calendar days after the date of notification of test results. Persons requesting an opportunity to inspect their papers or other documents shall arrange for an appointment in the manner and on the forms prescribed by the Director.
- 5.3 A manifest error in rating a test shall be corrected if called to the attention of the Director within one (1) calendar month after the establishment of the list. However, any appointment previously made from such a list shall not be invalidated by such a correction.
- 5.4 Should the number of candidates for a position far exceed the number of existing vacant positions in the class for which an examination is held, 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 6. ESTABLISHMENT OF EMPLOYEE LISTS AND EMPLOYMENT LISTS**

6.1 This rule allows for discretion by the Director or Appointing Authority. Such discretion will not be used to discriminate or otherwise base decision-making on illegal criteria.

On each employee list or employment list, eligibles shall be ranked in the order of their ratings as earned in the examination given for the purpose of establishing the list.

6.2 At the time a employee list or employment list is established, the Director shall determine the period of time during which the list shall remain in force, which in any event shall be not less than six (6) months nor more than three (3) years.

6.3 The Director may extend the period during which a list can remain in force, but no list may be extended for a period longer than three (3) years from the date of the original establishment thereof.

6.4 Selective Certification Lists. Upon the request of an Appointing Authority, or upon the Director's own initiative, the Director may establish a list for a part of a class if, in the Director's judgment, it is advisable for the good of the Parish service to certify to some positions in the class only eligibles who have qualifications which are extremely specialized and unique and which are not required in all positions of the class.

6.5 Employee Lists. The Director, in cooperation with the Appointing Authority may establish employee lists on a service-wide or a departmental-wide basis.

**SECTION 7. POSTPONEMENT AND CANCELLATION OF TESTS**

7.1 The Director may, due to inadequate number of applicants, delays, or other unforeseen reasons, postpone or cancel examinations. Suitable notice of such action shall be provided, if at all possible, to all applicants.

**SECTION 8. REMOVAL OF NAMES FROM LISTS**

8.1 The Director shall cause the names of eligibles to be removed from an eligible list due to any of the following reasons:

a. Refusal of three (3) offers of appointment for the specific class of work.

- b. Appointment through certification from such list to fill a regular position.
- c. Appointment through certification from the eligible list for another class at the same or higher compensation.
- d. Failure to report for work after accepting appointment.
- e. Filing a statement, or through telephone communication, of the eligible's unwillingness to accept appointment.
- f. 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 in justification of such failure.
- g. Expiration of the term of eligibility on an eligible list.
- h. Notice by postal authorities of their inability to locate the eligible at the last known address.
- i. Death of an eligible.
- j. Loss of citizenship or working visa.
- k. Review of the eligibility of an eligible reveals that the eligible lacks any of the qualifications prescribed as requirements for admission to the tests for the class for which applied, or is found to use drugs or intoxicating liquors to excess, or is deemed by the Director to be unfit for employment in the class applied for by reason of character, reputation, criminal conviction, or employment history, or has practiced or attempted to practice deception or fraud in any application, or any test, or otherwise, in securing eligibility for appointment or attempting to do so.
- l. Making a false statement regarding any material fact(s).
- m. The eligible applicant is a former employee whose employment ended during the five consecutive years immediately preceding the application filing deadline, and either (1) the applicant had been dismissed from public service for misconduct, or (2) the applicant is not recommended for rehire by the appointing authority and the recommendation is verified by the Director.

- 8.2 Reemployment List(s). The name of every classified employee who is laid off shall be placed on an appropriate reemployment list for a period not to exceed two (2) years from the date of layoff. All such names shall be ranked by seniority within the class.

## SECTION 9. NONCOMPETITIVE EXAMINATIONS

- 9.1 In accordance with Article X, Section 7 of the Constitution, the Director, by and with the approval of the Commission, may hold noncompetitive entrance and promotional examinations in the following classes of work and under the following conditions when the Director deems it impractical to hold competitive examinations:
- a. Entrance examinations for classes of work to be defined by the Director and published as a noncompetitive 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.
  - 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 noncompetitive examination for the reasons that experience in a particular division or section of the department is a necessity for competence in a position. Such request must be made in writing and must receive the approval of the Director.
  - d. The Director, with the approval of the Commission, shall determine the basic conditions which must be met in determining if non-competitive examinations may be held and the classes for which they may be held. The list of conditions and classes may be deleted, added to, or otherwise amended, in whole or in part, by the Director with the approval of the Commission.

## SECTION 10. DRUG TESTING PROGRAM

In order to insure a drug free workplace, the Parish shall mandatorily require urine specimens from all prospective employees, and from certain current employees, under conditions specified below, for drug testing to detect the use of marijuana, opiates, cocaine, amphetamines, and phencyclidine.

The Department of Human Resources shall be responsible for the management of the Parish drug testing program, and shall be responsible for Parish compliance with this Section, as well as applicable state and federal laws regarding drug testing programs.

The Department of Human Resources shall have the responsibility for adopting National Institute on Drug Abuse (NIDA) guidelines and any subsequent revisions of the NIDA guidelines for the purpose of management of the Parish drug testing program.

- 10.1 Definitions. As used in this Section, the following words and phrases shall have the following meanings unless the context clearly requires otherwise:
- a. "Aliquot" means a portion of a specimen used for testing.
  - b. "CAP-FUDT certified laboratory" means a laboratory certified for forensic urine drug testing by the College of American Pathologists.
  - c. "Chain of Custody" means procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that a chain of custody form be used from the time of collection to receipt by the laboratory, and that upon receipt in the laboratory, a laboratory chain of custody form account for the sample or sample aliquots within the laboratory. Chain of custody forms shall be developed in accordance with NIDA guidelines regarding security and chain of custody.
  - d. "Collection site" means a place designated by the Parish where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.
  - e. "Collection site person" means a person who instructs and assists individuals at a collection site and who receives and makes a preliminary observation of the urine specimen provided by those individuals. A collection site person shall have successfully completed training to carry out this function.
  - f. "Confirmatory test" means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.
  - g. "Employee" means any person employed by the Parish.

- h. "Initial Test" or "screening test" means an immunoassay screen to eliminate "negative" urine specimens from further consideration.
- i. "Medical Review Officer" means a licensed physician responsible for receiving laboratory results generated by the Parish drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with the individual's medical history and any other relevant biomedical information.
- j. "Monitor" means repeated drug testing of an individual following a positive drug test to detect the use of drugs.
- k. "NIDA" means the National Institute on Drug Abuse.
- l. "NIDA certified laboratory" means a laboratory certified for forensic urine drug testing by the National Institute on Drug Abuse.
- m. "NIDA guidelines" means the Mandatory Guidelines for Federal Workplace Drug Testing Programs as published in the Federal Register, Volume 53, No.69, and any revised guidelines issued by the National Institute on Drug Testing.
- n. "Prospective employee" means any person who has been certified for possible appointment or who is otherwise being considered for appointment to the Parish service, and who has been offered Parish employment contingent on passing the pre-employment physical examination, including pre-employment drug testing.
- o. "Qualified Professional Counselor (QPC)" A QPC is a professional who is employed in the treatment of abuse/addiction disorders and who is currently licensed/certified by the appropriate Louisiana board as one of the following professionals:
  - 1) board certified substance abuse counselor (BCSAC);
  - 2) licensed clinical social worker (LCSW);
  - 3) licensed professional counselor (LPC);
  - 4) licensed psychologist;
  - 5) licensed physician (MD);

- 6) registered nurse (RN);
  - 7) board-certified compulsive gambling counselor (BCCGC);
  - 8) Masters-prepared social worker/counselor;
  - 9) Masters-prepared counselor under the supervision of a licensed psychologist, licensed professional counselor (LPC), or licensed clinical social worker (LCSW).
- p. “Qualified Professional Supervisor (QPS)”
- 1) The following professionals who are currently registered with respective Louisiana board:
    - a) licensed psychologist;
    - b) licensed clinical social worker;
    - c) licensed professional counselor.
  - 2) The following professionals who are currently registered with their respective Louisiana boards and who can demonstrate two years of professional level counseling experience, and one year of professional level substance abuse counseling, or 90 clock hours (six semester hours) of substance abuse training post-certification, including the twelve core functions from an accredited college or university, or an educational provider approved by DHH may function as QPS. Documentation shall be available from the facility upon request. The professionals eligible to become QPS’s are listed below:
    - a) board certified substance abuse counselor (BCSAC);
    - b) licensed physician (MD);
    - c) registered nurse (RN);
    - d) board-certified compulsive gambling counselor (BCCGC);
    - e) Master-prepared social worker/counselor;

f) Master-prepared counselor under the supervision of a licensed professional counselor (LPC), or licensed clinical social worker (LCSW).

q. "Sample" means urine, blood, saliva, or hair.

## 10.2 Applicability

This section applies to testing for the presence of marijuana, opiates, cocaine, amphetamines, and phencyclidine.

This section does not preclude or regulate testing to detect an employee's use or consumption of, or working while under the influence of, other drugs, controlled substances, as defined in 21 U.S.C. 812, Schedules I, II, III, and IV, and alcohol, when such testing is performed under conditions outlined in sub-section 10.3 b.

The provisions of this Section, except for sub-section 10.10, do not apply to drug testing of prospective or current employees which is mandated by federal or state law. Drug testing of such individuals shall be performed in accordance with applicable law.

Any provision of this Section held to be prohibited by federal law or the laws of the state of Louisiana shall be ineffective to the extent of such prohibition without invalidating the remaining provisions of this Section.

## 10.3 Drug Testing

a. Each offer of Parish employment shall be conditioned upon the passing of a drug test which shall be administered as part of the pre-employment physical examination, and which shall test for the use of illegal drugs as provided in this Section.

The Parish shall require a urine specimen from all prospective employees and shall test all specimens for the presence of drugs as provided in this Section.

The Parish shall not hire any applicant who fails a pre-employment drug test by testing positive for illegal drug use.

b. The Parish shall require, as a condition of continued employment, a sample from an employee, and shall test for the presence of drugs under the following conditions:

- 1) Following an on-the-job accident or a "near miss" on-the-job accident.
- 2) If the employee is employed in a "safety-sensitive" or "security-sensitive" position.
- 3) If the employee is a party to an "accident" which results in damage to property or equipment, or personal injury to the employee or others involved in the accident.
- 4) Under other circumstances which result in reasonable suspicion that drugs are being used.
- 5) As part of a monitoring program to assure compliance with the terms of a rehabilitation agreement.

"Security-sensitive" positions are those positions that require carrying a firearm and continued certification in its use.

"Safety-sensitive" positions are those positions where the safety of the public, co-workers, and the individual employees are at risk.

An "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.

The term "near miss" refers to any incident which might have resulted in an "accident" but for the intervention of some special action, circumstances, 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.

- c. The Parish shall implement a program of random drug testing of employees.
- d. A confirmed positive result from a urinalysis, refusal to participate in the drug testing program, or submission of an adulterated specimen shall be grounds for dismissal under Rule X of these Rules. The Appointing Authority involved, upon notification of a confirmed positive result from a urinalysis, the refusal to participate in the drug testing program, or the submission of an adulterated specimen, shall

dismiss the employee, provided that such dismissal shall be taken in accordance with Rule X of these Rules.

10.4 Use of Certified Laboratories for Drug Testing of Specimens Collected.

All drug testing shall be performed in NIDA-certified or CAP-FUDT-certified laboratories.

Drug testing, as provided in this Section, shall be performed in compliance with the NIDA guidelines. The cutoff limits for drug testing shall be in accordance with NIDA guidelines.

10.5 Collection of Urine Specimens.

All urine specimens for drug testing shall be collected, stored, and transported in compliance with the NIDA guidelines and shall be collected with regard to privacy of the individual.

Direct observation of the individual during collection of the urine specimen may be allowed under any of the following conditions:

- a. There is reason to believe that the individual may alter or substitute the specimen to be provided.
- b. The individual has provided a urine specimen that falls outside the acceptable temperature range as listed in the NIDA guidelines.
- c. The last urine specimen provided by the individual was verified by the medical review officer as being adulterated, based upon the determinations of the laboratory.
- d. The collection site person observes conduct indicating an attempt to substitute or adulterate the specimen.
- e. The individual has previously been determined to have a urine specimen positive for one or more of the drugs, the testing for which is covered by this Section, and is being tested for purpose of follow-up testing upon or after return to service.
- f. The testing is post-accident or reasonable suspicion/cause testing.

A designated employee of the Department of Human Resources shall review and concur in advance with any decision by a collection site

person to obtain a specimen under direct observation. All direct observation shall be conducted by a same gender collection site person.

Every collection site person shall be responsible for sanitary collection of urine specimens while maintaining privacy, security, and the chain of custody. Every collection site person shall be responsible for the proper disposal of biohazardous waste and dispose of all biohazardous waste in accordance with proper safety procedures.

All samples collected for drug testing shall be packaged, sealed, labeled, and transported with the proper chain of custody procedures for analysis to a NIDA-certified or CAP-FUDT-certified laboratory in strict compliance with NIDA guidelines.

10.6 Initial Test and Confirmatory Test Required.

Drug testing shall consist of at least an initial test, as provided in the NIDA guidelines. All specimens identified as positive on the initial test shall be confirmed using a confirmatory test, as provided in the NIDA guidelines.

10.7 Review of Drug Testing Results; Medical Review Officer.

The Parish shall employ a Medical Review Officer whose qualifications and responsibilities shall be as provided in the NIDA guidelines.

All results of drug testing shall be reported directly from the laboratory to the Parish medical review officer, as provided in this Section.

The Parish medical review officer shall review all confirmed positive test results and shall report such results to the Department of Human Resources in compliance with the NIDA guidelines. Negative results need not be reviewed by the Parish medical review officer, but shall be reported to the Department of Human Resources.

Adulterated specimens shall be reported as such to the Parish medical review officer with clarification as to the specific nature of the adulteration. The Parish medical review officer shall contact the individual who submitted the specimen, as outlined in the NIDA guidelines, before making a final decision to verify a position or report and adulteration.

10.8 Refusal or Failure to Participate; Adulteration of Specimen.

Any prospective employee who refuses or fails to participate in the pre-employment urine testing procedure for illegal drugs and alcohol, at the prescribed time and place, shall be considered as having failed the drug test.

Any employee who refuses to participate in the drug testing procedures provided for under sub-section 10.3 a-c, at the prescribed time and place, shall be considered as having failed the drug test.

Any employee found to have submitted an adulterated specimen, as verified by the Parish medical review officer, shall be considered as having failed the drug test.

10.9 Reporting Results to the Director; Removal of Names from Certifications and Eligible Lists; Disqualification for Future Employment Eligibility

- a. The Director shall be notified of all negative test results, confirmed positive test results, refusals or failures to participate in a scheduled drug test, and submissions of adulterated specimens by prospective employees. Test results and submissions of adulterated specimens shall be reported via a copy of the medical review officer's report.

The Director shall be notified of all confirmed positive test results, refusals to participate in a scheduled drug test, and submissions of adulterated specimens by current employees. Test results and submissions of adulterated specimens shall be reported via a copy of the medical review officer's report.

- b. Upon receipt of a notice of verified positive test result or submission of an adulterated specimen, the Director shall cause the name of the subject eligible to be removed from all current certifications and from all employment lists.

An eligible who refuses or fails to participate in the drug testing procedures provided for under sub-section 10.3 a-c at the prescribed time and place, shall be removed from all current certifications and from all employment lists, if satisfactory evidence of inability to participate is not furnished in justification of such refusal or failure. An eligible who refuses or fails to participate in a rescheduled test shall be removed from all current certifications and employment lists.

- c. Persons dismissed or removed from an employment list(s) under this Section shall be ineligible for Parish employment for at least six (6) months. The Director shall reject any application for employment

submitted during the six (6) month period following dismissal or removal from the employment list(s).

This sub-section c. shall not apply to a person addicted to drugs who, subsequent to dismissal or removal from an employment list, is no longer using drugs illegally and is receiving treatment for drug addiction or has been successfully rehabilitated. The Director shall require written documentation from a Qualified Professional Supervisor (QPS) or a Qualified Professional Counselor (QPC) of proof of enrollment in their substance abuse program and that the employee is being periodically tested for substance abuse or that successful rehabilitation has been completed prior to placing the person on an employment list.

This sub-section c. shall also not apply to a person who is not addicted to drugs who, subsequent to dismissal or removal from an employment list, is no longer using drugs illegally and who has been determined not to be addicted to drugs. The Director shall require written documentation from a QPS or a QPC stating the person is not addicted to drugs and is not currently using them illegally prior to placing the person on an employment list.

#### 10.10 Resignations

- a. When an employee becomes subject to dismissal, as provided for under sub-section 10.3 d, and before such provisions are effected, the employee resigns, such resignation shall be treated as a dismissal for purposes of sub-section 10.9.
- b. The resignation shall be immediately reported to the Director on the form prescribed for such purpose, which form shall be accompanied or supplemented by an explanation of the specific circumstances surrounding the resignation, and notification of confirmed positive test result, refusal to participate in a scheduled drug test, or submission of adulterated specimens by the employee. Test results and submissions of adulterated specimens shall be reported via a copy of the medical review officer's report.

#### 10.11 Rights of the Prospective Employee and Employee

- a. Prospective employees and current employees who are adversely affected under this Section shall have the right of appeal to the Commission, as provided elsewhere in these Rules.

- b. Any prospective employee or current employee, confirmed positive, upon written request, shall have the right of access within (7) working days to records relating to the drug tests and any records relating to the results of any relevant certification, review, or suspension/revocation-of-certification proceedings.
- c. The Parish may, but shall not be required to, afford an employee the opportunity to undergo rehabilitation without termination of employment when the employee voluntarily seeks treatment/rehabilitation assistance, provided that such assistance is independently sought prior to the employee becoming subject to testing under sub-section 10.3 b and c, (i.e., post-accident, reasonable suspicion, random, or testing to monitor compliance with a rehabilitation agreement).

10.12 Responsibilities of the Parish

- a. The Department of Human Resources shall develop and promulgate to all Parish Appointing Authorities and employees, a written drug testing policy which shall comply with the provisions of this Section. No oral modification of the terms of the written policy shall be valid.
- b. As provided by LSA R.S. 49:1001 et seq., all information, interviews, reports, statements, memoranda, or test results received by the Parish through its drug testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where drug use by the tested individual is relevant.
- c. Parish Appointing Authorities and other employees involved in the administration of the Parish drug testing program shall maintain and use drug testing results with the highest regard to individuals' privacy.
- d. An individual's drug test results received by the Civil Service Department shall be treated as confidential records under Rule XI, Section 5 b and c, and shall be released only to the individual or the individual's legally authorized representative, except as provided in sub-section 10.11 b above.

10.13 Defense of Appeals. The Department of Human Resources shall be a party to all appeals arising from the Parish drug testing program and shall be responsible for defense of all appeals arising from the administration of the

Parish drug testing program, and the results thereof, as opposed to their application.

- 10.14 Drug-Free Workplace Act. All Plaquemines Parish Employees are required to notify the Human Resources Manager in writing within five (5) calendar days after any conviction of any criminal drug violation occurring in the workplace. The Human Resource Manager shall develop a procedure to notify the grantors within ten (10) days after receiving such notification from an employee.

## RULE VII

### VACANCIES, CERTIFICATION, APPOINTMENT

#### SECTION 1. FILLING VACANCIES

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

In certifying names from employment lists, preference will be given as follows:

- a. Preferred reemployment lists.
- b. Employee lists.
- c. Reemployment lists.
- d. Entrance employment lists.

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

- 1.2 Transfer. An employee may be transferred from any position in the classified service to any other position of the same class or to a position of any other class for which no additional or different qualifications are prescribed for original entrance, on recommendation of the Appointing Authority and approval by the Director. However, no employee shall be transferred from a position in one organizational unit to a position in another organizational unit without the consent of the Appointing Authority of both units concerned. No employee shall be transferred from a position in one class to a position in another class having a higher maximum salary. Any change of an employee from a position in one class to a position in a class having a lower maximum salary shall be considered a demotion.

#### SECTION 2. REQUEST FOR CERTIFICATION

- 2.1 An Appointing Authority proposing to fill a vacant position in the classified service shall submit to the Director a statement showing the position to be filled, the class of the position, and the duties thereof. The Appointing Authority may also specify the necessary and desirable qualifications of the person to be appointed to the vacancy.

- 2.2 Anticipation of Need. An Appointing Authority, insofar as practicable, shall anticipate each vacancy sufficiently in advance of its occurrence 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. An Appointing Authority may request selective certification of eligibles for a position by specifying what is considered necessary or desirable qualifications of candidates for appointment. If the Director concludes that the request for selective certification is warranted on the basis of the evidence offered by the Appointing Authority, the Director shall certify from a list of eligibles having such qualifications.

The Director shall consider each request for selective certification on the basis of the facts in the particular instance. The burden of proof shall rest with the Appointing Authority to demonstrate to the satisfaction of the Director that selective certification is warranted. The Director may consider the cost of giving a special examination in determining whether selective certification is warranted.

If the Director approves the request and should it be necessary to hold a special 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 eligibles placed within the top final grade group or groups which contain the top three (3) available candidates on an existing list for the class, or of any person who demonstrates to the satisfaction of the Director that the person 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 was requested.

### SECTION 3. CERTIFICATION OF ELIGIBLES

- 3.1 Upon receipt of an Appointing Authority's request to fill a position other than by demotion, transfer, or reinstatement, the Director shall certify to the Appointing Authority from the eligible list for the class of the vacant position, the names of eligible persons within the highest final grade group or groups until there are at least three (3) available candidates. A grade group is comprised of all eligible persons who achieve an equal final score on the examination given for any class of positions.

When an employee or a member of the immediate family of an employee in the Civil Service Department, as defined by Rule I, applies for a classified position, the Civil Service Commission shall review the qualifications of all

the applicants applying for the same position. The Commission shall establish the eligibility list under these circumstances.

If three (3) or more candidates whose names are among the highest final grade group or groups express interest and availability for a vacancy, appointment will be restricted to such candidates despite the possibility that one or more final grade groups may have no representation due to unavailability of candidates.

Whenever there are fewer than three (3) candidates available within the highest final grade group or groups certified to a vacancy, the Director shall certify the next final grade group or groups until there are at least three (3) available candidates.

Under certain conditions, the names of eligibles may be added to an existing employment list after a certification has been made from that list. In such cases, before proceeding to the next final grade group or groups, the Director shall certify from any higher-grade group or groups, additional eligibles not previously certified.

When, due to the number of vacancies to be filled, it appears that the highest final grade group or groups do not contain a sufficient number of eligibles to permit the Appointing Authority to consider at least three (3) eligibles in making appointments to fill those vacancies, the Director may certify an additional grade group or groups of eligibles necessary to assure the availability of at least three (3) candidates. In making appointments from such a certification, the Appointing Authority may proceed to the next final grade group or groups only when there are fewer than three (3) candidates available within the higher final grade groups.

In case of demotion, transfer, or reinstatement, the Director shall approve or disapprove the name of the person submitted by the Appointing Authority.

- 3.2 The eligibles certified shall be the highest ranking eligibles willing to accept employment, ranking in the following order: (1) the eligibles on a preferred reemployment list; (2) those on a promotional employment list; (3) those on a reemployment list; (4) those on an entrance employment list.

All the names on any one of such lists shall be exhausted before any names are certified from the next list. However, the names certified may be taken from two or more lists if necessary to make a certification of three (3) eligibles. Names shall be certified from each list in the order of their rank on that list.

Within ten (10) days after the eligibles are certified, the Appointing Authority shall appoint one of those whose names are certified to each vacancy which is to be filled. 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 Rules.

- 3.3 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 (3) eligibles, the names of all eligibles on the appropriate lists who are willing to accept appointment shall be certified.

If only one name is certified to fill the vacancy and the Appointing Authority does not select that person, the Director may authorize the Appointing Authority to make a provisional appointment.

- 3.4 When a vacancy exists in a position of a class for which there are no eligibles available for certification, the Director may certify eligibles for appointment from an appropriate eligible register. Appointments made from certification from eligible registers shall be probationary and the vacancies so filled shall be deemed to have been filled in accordance with the provisions of the Rules.

- 3.5 Subject to the provisions of Rule VI, Section 8, persons who have been appointed from lists to fill conditional or temporary vacancies shall be certified continuously to all regular vacancies in the class or classes of positions for which they are eligible, until such time as:

- a. They are appointed to fill regular vacancies; or
- b. Their eligibility on the register or registers expires; or
- c. The factors affecting the conditional or temporary nature of their appointment are removed.

#### 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 their own delinquency or fault, except as provided in Rule X, and who, at the time of separation, had attained regular status in accordance with the Rules in the class of positions in which employed when separated. Such names shall be ranked on the reemployment list in accordance with the number of years of continuous Parish employment in that class of positions. Should two (2) or more employees have equal service in a class of positions, the employee who has the greatest number of years of continuous Parish service shall be ranked highest. No person who has

reached retirement age, or who has voluntarily retired, may be reinstated or certified from a reemployment list.

- 4.2 The names of a regular employee who has been laid off shall be placed automatically on the appropriate preferred reemployment list for the class of positions the employee occupied. The name shall remain on the list for a period of two (2) years from the date of separation, unless removed earlier by any of the provisions of Rule VI, section 8. Until reinstatement or reemployment is affected within the department or organizational unit from which the employee was separated, or until the period of eligibility shall have lapsed, the employee's 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, as determined by the Director, to perform the duties of the position involved.
- 4.4 If a regular employee resigns from a position, and submits a written request to the Director within one (1) year from the date of resignation, that employee's name shall be placed on an appropriate reemployment list. The employee's name shall remain on the list until a date two (2) years from the date of resignation, unless removed sooner under any of the provisions of Rule VI, Section 8.
- 4.5 The name of a regular employee returning from military leave and placed on a reemployment register in accordance with Rule IX, Section 8.2, shall remain thereon for a period of two (2) years, unless removed sooner under any of the provisions of Rule VI, Section 8.
- 4.6 A regular employee who is separated for inefficiency, delinquency, or misconduct may, within one (1) year from such separation, be reinstated with probationary status to a position for which the employee is qualified, provided:
  - a. Reinstatement is recommended by the Appointing Authority and approved by the Commission; and
  - b. The position in which the employee is reinstated has the same or a lower maximum salary as the current maximum for the class of positions in which the employee had regular status.
- 4.7 A regular employee who has been promoted to a position of a higher class and who subsequently is removed from that position before acquiring full civil

service status therein, unless the removal was for disciplinary reasons, shall be reinstated in the employee's former position subject to the following:

- a. A regular employee who is promoted from a position in one organizational unit to a position of a higher class in another organizational unit and who subsequently is removed during the working test period, or while serving provisionally or on a conditional basis, shall be reinstated in the employee's former position in the organizational unit from which promoted if a vacancy exists therein; or shall be reinstated in any other vacant position in the same class in the organization from which promoted, provided the employee possesses the necessary qualifications to perform the duties of such position, as determined by the Director. If reinstated as herein authorized or required, the employee shall not be made to serve a new working test period. If the employee cannot be reinstated as herein authorized, the Director shall, upon the employee's written request submitted within one (1) year from removal, place the employee's name on a preferred reemployment list for the class of positions from which the employee was promoted.
- b. Whenever a regular employee is promoted to a higher class within the same organizational unit, the employee shall be granted promotional leave of absence from the position of the lower class until the employee acquires full civil service status in the higher position, and until the employee acquires such status, the Appointing Authority may fill the employee's former position only by conditional appointment. Should the employee be required to vacate the position to which promoted, the employee shall be reinstated to the former position or, in the alternative and at the discretion of the Appointing Authority, in any other position of the same class in which there is a vacancy.

- 4.8 A former regular or probationary employee who resigns from a classified position may, upon written recommendation by an Appointing Authority and with the prior approval of the Director, based upon a record of satisfactory service, be reinstated with probationary or regular status, at the option of the Appointing Authority, to the employee's former position or to any other position to which the employee may have been assigned, transferred, reallocated, or demoted if the resignation had not occurred, if a vacancy exists therein.

## SECTION 5. CONDITIONAL AND TEMPORARY APPOINTMENTS

- 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, the Appointing Authority must do so by making a conditional appointment in accordance with the provisions of Section 3 of this Rule. If an employee is appointed to fill the position of a classified employee on leave of absence, that employee 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, the employee shall be reinstated in the 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, the employee shall retain all rights the employee may have acquired by virtue of the employee's service under the conditional appointment, including, if the employee has completed the working test period, the right to have the employee's name replaced on the employment list from which the employee's name was certified for conditional appointment if the list exists. The employee 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 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. Such appointment 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.

A provisional appointment shall terminate upon the regular filling of the vacancy in any manner authorized under these Rules, and in any event, within fifteen (15) working days after a certification from which appointment can be required.

In any case in which a provisional appointment remains in effect for one (1) year, the Director shall make a report to the Commission which

shall include the efforts made by the Civil Service Department to recruit applicants; a statement from the Appointing Authority of the assessment of the employee's on-the-job ability and acceptability; and a recommendation by the Director that the provisional appointment either be extended or that the employee be granted regular status. Based upon the information furnished, the Commission shall either order the appointment extended or grant regular status to the incumbent employee.

- b. Transient Appointments. Whenever the services of an extra or substitute employee are needed in any position in the classified service for a period of six (6) months or less, the Appointing Authority, with the prior approval of the Director, may make a transient appointment of any person deemed qualified to serve for the period required.

A transient appointment of longer duration may be made only with the prior approval of the Commission.

- c. Emergency Appointments. When an emergency situation requires that a position be filled before appointment can be made under any other provisions of these Rules, an Appointing Authority may grant an emergency appointment to 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 thirty (30) working days in any case, or be renewed for any further period beyond that limit. The authority for any emergency appointment is conditioned upon a prompt report thereof to the Director at the time the appointment is made.

**SECTION 6. STATUS OF NONCLASSIFIED EMPLOYEES WHOSE POSITIONS ARE DECLARED TO BE IN THE PARISH CLASSIFIED SERVICE OR ARE ACQUIRED BY A PARISH DEPARTMENT**

- 6.1 When a nongovernmental, private organization, or position, which is not subject to the Parish classified service, is acquired by a Parish Department as a result of a Council Ordinance, Charter amendment, or judicial decree; or when a governmental organization or position, which has been created by some federal, state, or local authority, is declared to be in the Parish classified service as a result of Council Ordinance, Charter amendment, judicial decree, or by order of the Commission, the position incumbent or incumbents shall be appointed in the Parish classified service under this Rule as follows:

- a. Position incumbents who have occupied their position for one (1) year or more shall be granted regular civil service status.

- b. Position incumbents who have occupied their position for less than one (1) year but more than six (6) months shall be granted regular civil service status, provided they possess the necessary minimum qualification requirements.
- c. Position incumbents who have occupied their position for less than six (6) months, if minimally qualified, shall be granted probationary status and required to satisfactorily complete probation of at least six (6) months in order to attain regular status.
- d. Position incumbents who have occupied their position for less than one (1) year, who do not possess the required minimum qualification requirements, shall be granted probationary status and required to satisfactorily complete probation of at least six (6) months, provided that they possess any credentials considered legally necessary for employment (e.g., special licenses, certifications, etc.), and provided that they attain a passing score on the examination given for the classification involved. Otherwise, these incumbents may be retained under a provisional appointment only until a replacement appointment can be made as provided elsewhere in this Rule.
- e. Position incumbents who enter the Parish classified service in accordance with this Section and who were employed as classified employees of a governmental jurisdiction subject to a civil service article, statute, or ordinance shall be appointed to the Parish classified service with the same appointment status attained in the former service.

6.2 For purpose of application of Section 6.1d, special examinations may be administered with participation limited to position incumbents. Examinations given under this Section shall not be subject to the provisions of Rule VI, Section 3.5.

When an examination consists of or includes a rating of training and experience, position incumbents shall be considered as being at least minimally qualified on the rating portion of the examination.

6.3 Employees who enter the Parish classified service in accordance with Section 6 of this Rule shall have their pay established in accordance with Rule IV, Section 3.9.

6.4 Employees who enter the Parish classified service in accordance with this Section shall have their unused annual and sick leave credited as follows:

- a. Position incumbents who enter the Parish classified service and who were employed as a classified employee of a government jurisdiction subject to a civil service article, statute, or ordinance shall have their annual and sick leave credits assumed by the acquiring department subject to the limitations established for leave carry-over provided for in Rule IX, Sections 2.3 and 3.2.

Only unused leave credits, which were not paid upon separation and which have not been and will not be converted to retirement service credits, shall be assumed by the Parish.

- b. With the exception of current Plaquemines Parish employees who are employed outside of the Parish classified service and the employees specified in Section 6.4a above, employees who enter the Parish classified service in accordance with Section 6 of this Rule shall not be credited with unused annual and sick leave accumulated or earned while employed by any previous employer.

6.5 Employees who enter the Parish classified service in accordance with this Section shall have their eligibility for annual pay increases determined as follows:

- a. Employees who enter the service with probationary status and who are required to serve a minimum six (6) month probationary period, shall have their eligibility for the initial pay increase and subsequent annual pay increases determined in accordance with the regular provisions of Rule IV, Section 4.1.
- b. Employees who enter the service with regular status shall, subject to the availability of funds, be considered for an initial pay raise on that employee's Pay Raise Eligibility Date as determined in accordance with Rule IV, Section 4.1.

6.6 An established date of employment and beginning of continuous service is necessary for the application of various provisions of these Rules. The date of employment and beginning of continuous service for employees entering the Parish classified service under this Section shall be established as follows:

- a. Unclassified Plaquemines Parish employees whose pay and benefits have been administered by the Finance Department Payroll Office and who receive the same benefits as Parish classified employees, and incumbents who enter the Parish classified service in accordance with this Section and who were employed as classified employees of a governmental jurisdiction subject to a civil service article, statute, or

ordinance may retain their current date of employment and continuous service (as defined in these Rules) as their benefits date for purposes of leave and tenure benefits and for the purpose of determining pay eligibility.

However, their date of employment for purposes of application of Rule XIII, LAYOFFS, shall be the date on which they are appointed on a provisional basis or with probationary or regular status.

- b. For all other employees, the date of employment and beginning of continuous service shall be the date on which the employee was appointed on a provisional basis, or appointed with probationary or regular status in the Parish classified service.

6.7 Any rights, benefits, privileges, and/or conditions of employment which were previously enjoyed by employees who enter the Parish classified service under Section 6 of this Rule, but which rights, benefits, privileges, and/or conditions of employment are not specifically provided for in this Section or elsewhere in these Rules, shall not be recognized.

6.8 The Director shall obtain and review appropriate documents and records relating to positions and incumbents being considered for placement in the Parish classified service, and shall prepare a recommendation which shall be considered by the Commission. Upon approval by the Commission, the recommended actions shall become effective.

6.9 Upon request of an Appointing Authority and when, in its judgment, sufficient and compelling reasons to do so have been presented, the Commission may apply the provisions of this Section to situations not specifically addressed herein.

6.10 Section 6 of this Rule shall not apply to any employee who is illegally hired in either the Parish unclassified or Parish classified service.

## RULE VIII

### WORKING TESTS

#### SECTION 1. EMPLOYEES TO SERVE WORKING TESTS

- 1.1 This rule allows for discretion by the Director or Appointing Authority. Such discretion will not be used to discriminate or otherwise base decision-making on illegal criteria.

Every person appointed to a position in the classified service by certification from an original employment list or an employee list shall serve a six (6) month working test period while occupying the position. At any time after the first two (2) months of the working test period, the Appointing Authority may remove an employee for either of the following justifiable reasons:

- a. The working test indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily; or
- b. The working test indicates that the employee's habits or lack of dependability do not merit the employee's continuance in the service.

The Working Test Employee shall be evaluated by his immediate supervisor at least twice during his/her working test period, before the end of three (3) months of employment and before the end of five (5) months of employment.

Failure by the Supervisor to evaluate the Working Test Employee shall have the same force and effect as a satisfactory report.

Under no circumstances shall an Appointing Authority be permitted to remove more than three (3) employees successively from the same position during the working test.

Upon removing an employee, the Appointing Authority shall inform the Director and the employee forthwith, in writing, of the fact and the reason for his action.

An Appointing Authority may remove an employee within the first two (2) months of the employee's working test period only for justifiable reasons and with the prior approval of the Director.

The Director may remove an employee at any time during the latter's working test period if the Director finds, after giving the employee notice and an

opportunity to be heard, that the employee was appointed as a result of fraud or error.

- 1.2 Unless otherwise stated to be of a longer duration at the time of announcement of a test for a class of positions, the working test period shall be six (6) months.
- 1.3 Extension of time: Not later than fifteen (15) calendar days prior to the expiration of the working test period of the employee, an Appointing Authority may request the Director to extend the duration of the test for justifiable reasons; provided that, at the time of the request for the Extension of time, the employee was notified that an extension has been requested.

The Appointing Authority shall submit the request in writing and, at the time of submission, send a copy to the employee. If the mandated filing date falls on a Saturday, Sunday or legal holiday, then the fifteen-day filing period will be extended to the end of the next day which is not a Saturday, Sunday or legal Holiday. No extension shall be allowed which would cause the test period to be longer than one (1) year.

- 1.4 Failure by the Appointing Authority to give the fifteen (15) calendar days' notice, as stated above, to the Director and a copy thereof to the employee shall have the same force and effect as a satisfactory report.
- 1.5 If the Director determines that an employee who has been removed from a position during or at the end of a working test period is suitable for appointment to another position, the Director may restore the employee's name 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 appointment to the position from which removed, the employee's name may be placed on the reemployment list for the class of positions in which the employee was a regular employee.

## SECTION 2. INTERRUPTION OF WORKING TESTS

- 2.1 This rule allows for discretion by the Director or Appointing Authority. Such discretion will not be used to discriminate or otherwise base decision-making on illegal criteria.

If an employee is laid off during a working test period and subsequently is reappointed by the same Appointing Authority from the same eligible list, the employee shall be given credit for the portion of the working test period completed before being laid off.

- 2.2 If an employee is transferred during a working test period from a position under one Appointing Authority, to a position under another Appointing Authority, the second Appointing Authority may at his discretion permit the employee to receive credit for the portion of the working test period previously completed under the first Appointing Authority.
- 2.3 If an employee is placed on military leave without pay while serving a working test period, the employee shall be given credit for the portion of the working test period completed before being placed on such leave.
- 2.4 If an employee is appointed to a higher position in a like classification of work before completion of a working test period in a lower position, the employee shall be given credit for the incomplete portion of the working test period if the employee remains in the higher position during a period equivalent to the unfinished portion of the working test period served in the lower position.
- 2.5 If reinstatement is not affected as herein provided, the person, with the prior approval of the Director, may be returned to the employment list from which the employee was certified.
- 2.6 An Appointing Authority may, at his discretion, permit credit to be granted an employee for the portion of a working test period previously served under himself or another Appointing Authority.
- 2.7 If an employee is placed on “Declared Emergency Leave” while serving a working test period, the employee shall be given credit for the portion of the working test period completed before being placed on such leave. The employee must complete the balance of the working test period when the “Declared Emergency Leave” ends.

### SECTION 3. RECOGNITION OF PROVISIONAL SERVICE

- 3.1 In the case of an employee who was hired under provisional appointment, and who subsequently qualifies for and is appointed to the same position on a regular basis, without interruption of employment, credit toward completion of the required working test period shall be given for all service previously rendered under the preceding provisional appointment.
- 3.2 Consistent with the spirit of sub-section 2.6 above, credit toward completion of a working test period may be granted for provisional service other than that described in 3.1 herein, upon recommendation of the Appointing Authority and with the approval of the Director.

## RULE IX

### HOURS OF WORK, LEAVES OF ABSENCE AND ABSENCE WITHOUT LEAVE

SECTION 1. HOURS OF WORK. The work week for full-time employees in the classified service shall consist of not less than forty (40) regularly scheduled working hours, exclusive of 30-minute lunch periods. A person employed to work on a regular schedule of less than forty (40) hours per week shall be considered a part-time employee for pay administration and other purposes. An employee who works on an intermittent or variable basis, dependent upon the demand for the employee's services, shall be considered a subject-to-call employee.

- a. The normal work week is Monday through Friday between the hours of 8 a.m. and 4:30 p.m. with a thirty (30) minute lunch period. Rest breaks, if allowed, are considered as time worked.
- b. Certain departments are required to maintain normal operations on a twenty-four (24) hour basis which will require employees to work varying shifts. In these instances, departmental supervision shall determine the necessary work schedules to maintain the normal operations and shall notify affected employees of their assigned hours of work.
- c. Each employee is expected to be at work on time and to work the full work schedule. Excessive absenteeism and/or tardiness may result in loss of leave and/or disciplinary action.
- d. An employee who is going to be absent or tardy is to call the appropriate supervisor as closely as possible to, but in no event later than 15 minutes prior to the assigned work starting time. Failure to provide the proper notification within the prescribed time limit may result in the employee being charged with being absent without leave.
- e. An employee who works shift schedules, who knows he/she is going to be absent or tardy is required to call his/her supervisor at least one hour before the start of his/her scheduled shift. Failure to provide the proper notification within the prescribed time limit may result in the employee being charged with being absent without leave. It may also result in disciplinary action.

### SECTION 2. ANNUAL LEAVE

- 2.1 Except as provided elsewhere in this Rule, each eligible full-time employee in the classified service shall accrue annual leave with pay. Accrual begins with

the first full bi-weekly pay period of employment; however, annual leave will not be considered earned and may not be taken or paid until the full-time employee has completed the six-month probationary period following initial employment.

- a. A full-time employee with less than ten (10) years of continuous service as a full-time employee shall earn four (4) hours of annual leave for each bi-weekly pay period worked (13 days per year). For those pay classifications in which employees' regular days are longer than eight hours, employees will accrue annual leave at a proportional rate to enable them to accrue a total of 13 days per year.
- b. A full-time employee with ten (10) but less than nineteen (19) years of continuous service as a full-time employee shall earn six (6) hours of annual leave for each bi-weekly pay period worked (19 ½ days per year). For those pay classifications in which employee's regular days are longer than eight hours, employees will accrue annual leave at a proportional rate to enable them to accrue a total of 19 ½ days per year.
- c. A full-time employee with nineteen (19) or more years of continuous service shall as a full-time employee earn eight (8) hours of annual leave for each bi-weekly pay period worked (26 days per year). For those pay classifications in which employees' regular days are longer than eight hours, employees will accrue annual leave at a proportional rate to enable them to accrue a total of 26 days per year.

2.2 No annual leave shall accrue to a full-time employee for any bi-weekly pay period during which the employee is on suspension, or is absent without leave for more than the number of hours in the employee's normal work day. A full-time employee on approved leave without pay for less than half the bi-weekly pay period would earn 100% of his/her accrual. A full-time employee on approved leave without pay for half the bi-weekly pay period would earn 50% of his/her accrual. A full-time employee on approved leave without pay for more than half the bi-weekly pay period would earn 0% of his/her accrual.

2.3 On December 31 of each year, the accumulated annual leave of all full-time employees shall be carried forward proportionally to the number of hours normally worked per day not to exceed 30 days. These accumulated annual leave hours shall be paid upon an employee's termination, regardless of the reason; retirement; and, in the case of death of the employee, payment shall be made to the beneficiary or estate.

- a. Should a declared emergency occur where employees are needed to maintain, repair, or restore the Parish infrastructure, the Appointing

Authority may elect to pay only those employees who worked during the declared emergency for the excess accumulated annual leave hours, or allow them to carry forward their excess accumulated annual leave hours.

- b. When the employee takes a Special Leave of Absence Without Pay to accept an appointment to an unclassified position, without a break in service, or with a break in service not in excess of one full bi-weekly pay period, all unused annual leave accrued to such employee's credit shall remain to his/her credit when s/he begins service in the new position and the employee shall receive continuous service credit for purposes of determining the rate of Annual Leave accruals, or;
- c. If an unclassified Parish employee resigns to accept an appointment in the classified service, without a break in service, or with a break in service not in excess of one full bi-weekly pay period, all unused annual leave accrued to such employee's credit shall remain to his/her credit when s/he begins service in the classified position and the employee shall receive continuous service credit for purposes of determining the rate of Annual leave accruals.

2.4 Approval of Annual Leave. Request for eight (8) hours or less of annual leave shall be made at least 24 hours in advance. Whenever possible, requests for more than eight hours shall be made one week in advance.

2.5 The minimum charge allowed for annual leave shall be one (1) hour.

### SECTION 3. SICK LEAVE

3.1 Each eligible full-time employee in the classified service shall earn and accumulate the equivalent of one-half the hours of a regular day with pay, for each bi-weekly pay period worked, beginning with the date of employment. For those full-time employees whose regular scheduled day is eight hours, those employees shall receive four hours sick leave for each bi-weekly pay period. For those full-time employees regularly scheduled to work longer than eight hours each day, they shall accrue sick leave at a proportional rate.

3.2 No sick leave shall accrue to a full-time employee for any bi-weekly pay period during which the employee is on suspension, or is absent without leave for more than the number of hours in the employee's normal work day. A full-time employee on approved leave without pay for less than half the bi-weekly pay period would earn 100% of his/her accrual. A full-time employee on approved leave without pay for half the bi-weekly pay period would earn 50% of his/her

accrual. A full-time employee on approved leave without pay for more than half the bi-weekly pay period would earn 0% of his/her accrual.

- 3.3 There shall be no limitation on the amount of sick leave which may be accumulated and carried forward from one year to the next. However, no payment will be made for an employee's accumulated sick leave at time of termination.
- 3.4 Sick leave may be taken by an employee for necessary absence from duty due to:
  - a. Employee's illness, injury, hospitalization or exposure to a contagious disease.
  - b. Medical, dental or optical consultation or treatment for the employee.
  - c. The minimum charge allowed for sick leave shall be one (1) hour.
- 3.5 In support of usage of sick leave with pay, a statement from the employee's attending physician may be required at any time. However, any absences of two (2) consecutive working days charged to sick leave will normally require a physician's statement, which shall include the inclusive dates of treatment, the reason for such treatment and when the employee may return to unrestricted duty. Failure by the employee to obtain and provide the physician's statement, when required to do so, within five (5) working days of returning from sick leave, may result in the period of absence being charged to leave without pay.
- 3.6 All unused sick leave remains to an employee's credit:
  - a. When the employee resigns to accept a provisional, transient, or probational appointment in the Parish classified service without a break in service or with a break in service not in excess of one (1) full bi-weekly pay period.
  - b. During any period when the employee is carried on authorized military leave without pay.
  - c. When the employee is reinstated or reemployed after a layoff of ninety (90) days or less.
  - d. When an employee is transferred from one Parish department or agency to another.

Records of the central payroll office shall be used in determining the amount of leave involved.

- 3.7 After a full-time employee has exhausted all accumulated sick leave, annual leave may be used for an employee's extended period of sickness or injury, after which the employee will be placed in leave without pay status.
- 3.8 Subject to the prior approval of the Director, an Appointing Authority may allow a full-time employee to donate Sick or Annual Leave with pay to another full-time employee, subject to the following conditions:
- a. The recipient must have been employed with the Parish for a period of not less than six months.
  - b. A National Declared Pandemic, Epidemic or National Emergency and whereas quarantine is required by a treating physician and where it is accepted practice pursuant to the CDC or other governmental or state agencies and exposure affects the employee's immediate family member.
  - c. Approval of donations must be contingent upon the recipient demonstrating a need of additional sick leave.
  - d. Donated Annual Leave will be converted to Sick Leave and added to the recipient's Sick Leave credit.
  - e. The donor relinquishes all future claims to the donated leave, regardless of the medical conditions of either the donor or the recipient.
  - f. 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.
  - g. In cases where an employee is donating sick leave with pay to an employee in another organizational unit, the approval of both Appointing Authorities/Department Heads will be required.
  - h. Upon approval, the Appointing Authority is responsible for providing all necessary leave adjustment forms to the Civil Service Department with appropriate documentation.
- 3.9 Upon separation from the Parish service after having attained ten (10) years of creditable service to qualify for a current or deferred retirement benefit under

the Parochial Employees' Retirement System, the accumulated sick leave credits shall be certified to the retirement system for additional service credit as provided by applicable law.

- 3.10 When a full-time employee suffers a job-related injury which results in the employee's inability to perform the normal duties of the employee's position

and which entitles the employee to compensation under the State workers' compensation laws, the normal leave provisions provided elsewhere in these Rules shall apply.

The full-time employee shall be required to obtain authorization for the absence by requesting Sick Leave, Annual Leave or Leave Without Pay in an amount sufficient to cover the period of absence and the Appointing Authority shall approve or disapprove the request for leave as provided elsewhere in these Rules.

Payment shall be made to the full-time employee for all leave charges against the employee's accumulated Annual or Sick Leave balances in addition to any Workers' Compensation payments received by the employee.

#### SECTION 4. CIVIL LEAVE & DECLARED EMERGENCY LEAVE

- 4.1 CIVIL LEAVE: A full-time employee will be granted time off without loss of regular rate of pay when:
- a. Performing jury duty.
  - b. Summoned to appear before a court, grand jury, or other public body or commission, except as a plaintiff or defendant.
  - c. The Appointing Authority reduces, suspends or closes certain operations of government due to concerns about the health and safety of the public or its employees; and, the employee is directed to not report to work by the Appointing Authority.
  - d. The full-time employee is a member of a reserve component of the Armed Forces of the United States or the National Guard and is ordered to active duty because of a national, state, or local emergency, act of God, civil or criminal insurrection or disobedience, or similar occurrences which threaten or affect the peace or property of the public.
  - e. A full-time employee is a member of the Parish Volunteer Fire Department and is ordered to an active status in response to and emergency.
  - f. A full-time employee takes or participates in a Plaquemines Parish civil service examination. A full-time employee taking an examination for a license or certificate from a state agency may be granted civil leave if

the Appointing Authority certifies that the service will benefit by the employee's acquisition of the certificate or license.

- g. When a full-time employee is subpoenaed, or is requested, to appear before the Civil Service Commission or its duly appointed hearing officer in a capacity other than as a party to a cause or action, time spent at the hearing site or other designated work site, while testifying or waiting to testify, shall be considered as hours worked for purposes of computing regular and overtime pay due the employee.

#### 4.2 DECLARED EMERGENCY LEAVE

When directly affected by a declared "State of Emergency" by the Parish President, a full-time employee may be granted Declared Emergency Leave by the Appointing Authority. Declared Emergency Leave compensation shall be paid at a rate of sixty-seven percent (67%) of the employee's regular hourly compensation.

- a. Any employee seeking Declared Emergency Leave shall make a formal request. The formal request, if practicable, shall be in writing and documented by the Appointing Authority. The employee's request must provide enough information for the Appointing Authority to determine whether the request is warranted. The Appointing Authority may ask the employee to submit supporting documentation to substantiate the request.
- b. Declared Emergency Leave shall only be paid prospectively from the date of the formal request. The formal request, supporting documentation and approvals shall be attached to the employee's timesheet submittal for payroll. The employee's initial request for Declared Emergency Leave shall not be granted for more than three (3) consecutive pay periods. Additional requests for Declared Emergency Leave shall conform with the preceding paragraph in all respects. The employee's second and all subsequent requests for Declared Emergency Leave shall not be granted for more than two (2) consecutive pay periods.
- c. In order to qualify for Declared Emergency Leave, the employee must have completed the initial working test period and be classified as a full-time regular employee with permanent civil service status.
- d. No annual leave or sick leave hours will be earned or accrued

while on Declared Emergency Leave.

- e. No Holiday Pay shall be paid during this leave
- f. Employees are required to contact their supervisor with an updated address, and contact phone numbers. Failure to comply may result in leave cancellation
- g. Any employee who fails to return to work on the first working day following expiration of Declared Emergency Leave may be terminated.
- h. Employees who are on Leave Without Pay or Absence Without Leave immediately prior to the “State of Emergency” or “Emergency Declaration” shall not be eligible for Declared Emergency Leave.

## SECTION 5. FUNERAL LEAVE

5.1 In the event of the death of a member of the full-time employee's immediate family, as defined in Rule I, the Appointing Authority may grant up to two (2) consecutive work days of Funeral Leave, which shall not be charged to the employee's Annual or Sick Leave. Any paid leave of absence under this rule must be consecutively taken on or within two (2) calendar days of the funeral or burial service. The Appointing Authority may grant additional time for travel, if the funeral takes place further than 200 miles from the employees place of residence, but in no instance shall the total be more than four (4) consecutive work days. The employee will be paid only for those hours the employee was scheduled to work.

5.2 In support of request for Funeral Leave, the full-time employee shall furnish to his supervisor written documentation of the need for absence, including in such documentation the name and relationship of the deceased, the date of death, and such other information as may reasonably be required to justify the leave requested. Example: Newspaper Obituary. The employee shall furnish the required documentation in advance or as soon as reasonable practical, and in no case later than ten (10) calendar days after the date of the end of such leave.

Failure by the employee to comply with a request to furnish such notice and information shall be cause for denial and/or cancellation of the leave.

5.3 After granting any leave under this Section, should it be determined by the Appointing Authority that the leave was not justified, the leave charge shall be changed to Leave of Absence Without Pay, and the Appointing Authority shall also take such other disciplinary action as is deemed suitable.

SECTION 6. FAMILY AND MEDICAL LEAVE. The Director shall develop and promulgate to the Appointing Authority a written family and medical leave policy, which sets forth guidelines and procedures necessary for implementation of the Family and Medical Leave Act of 1993, as amended. The Appointing Authority will ensure that employees are informed of these provisions.

SECTION 7. HOLIDAYS

7.1 The following days will be observed as holidays by all regular employees full-time: New Year's Day; Martin Luther King's Birthday; Mardi Gras; Good Friday; Memorial Day; Independence Day; Labor Day; Veterans Day; Thanksgiving Day; Day after Thanksgiving Day; Christmas Eve Day; Christmas Day; New Year's Eve, Juneteenth; and any other holiday which may be declared by the Parish Council or the Parish President.

7.2 Holidays falling on a Saturday will be observed on the preceding Friday unless Friday is a holiday, then the holiday will be observed on the preceding Thursday. Holidays falling on a Sunday will be observed on Monday unless Monday is a holiday then the following Tuesday will be observed.

7.3 A full-time employee shall not receive holiday pay if on unauthorized leave the day before or after the holiday.

7.4 a. Full-time employees who are working shift schedules and who are scheduled to work on an observed holiday shall receive holiday pay. (See Rule IV, Section 6.4 for overtime pay when an employee works on a holiday.)

b. Full-time employees who are working shift schedules and who are not scheduled to work on an observed holiday shall receive holiday pay.

7.5 If a holiday falls during a period of paid leave, the employee shall be paid for the holiday and will not be charged for the absence.

7.6 An employee will not receive holiday pay for a holiday which falls

within a period of leave without pay or absent without leave.

- 7.7 Holiday pay shall be defined as straight time (1x) the employee's regular hourly rate for his normal work schedule per day. [Example: Ferry employees who normally work a nine (9) hour shift will receive nine (9) hours at the straight time rate.]

## SECTION 8. MILITARY LEAVE WITH PAY

- 8.1 Any regular or probationary full-time employee who is a member of a reserve component of the Armed Forces of the United States or the State of Louisiana shall be granted military leave of absence for a period not to exceed fifteen (15) working days in any calendar year, without loss of pay, annual or sick leave, or other benefits, when ordered to active duty for field training or other related or similar training purposes. An Appointing Authority may grant a regular or probationary employee annual leave, leave without pay, or both, in accordance with other provisions of these Rules for periods of training in excess of fifteen (15) working days.
- 8.2 Any regular or probationary full-time employee who is inducted or ordered to active duty to fulfill a reserve obligation or who is ordered to active duty for an indefinite period in connection with reserve activities, and who has not been granted full leave with pay benefits provided above, shall be granted Military Leave with Pay up to an amount which, when added to any leave previously granted within the current calendar year, equals no more than fifteen (15) working days. The provisions of this section apply only to leave eligibility during the initial calendar year of a lengthy or indefinite tour of duty which spans a period which extends into two (2) or more calendar years. In no case shall the combined total of leave granted under this section exceed fifteen (15) working days in a calendar year. Any additional leave, if necessary, will be Military Leave without Pay.
- 8.3 When military leave with pay provided for in Rule IX, above, has been exhausted, a full-time employee whose military base pay is less than his/her parish pay shall be paid the difference between their military pay and their parish pay in their regular position. This differential pay shall be provided to any parish employee called to active service in the uniformed services of the United States pursuant to a declaration of war, congressional authorization, or presidential proclamation pursuant to the War Powers Resolution (50 U.S.C. 1541 et. Seq.), or national emergency. The payment shall be made in the same frequency and manner as the employee's regular parish pay. Any employee receiving the pay differential shall provide to their Supervisor all such

documentation appropriate to ensure that the amount of the payment is calculated correctly. Any employee who elected to use his/her annual leave during active service shall not be eligible for receipt of the pay differential.

Full-time employees called to active duty shall accrue sick and annual leave for the entire period of service, beginning with the date of service. Leave shall be accrued on the same basis as though the employee had not been activated.

Leave earned shall be credited to the employee upon his return from active duty.

## SECTION 9. MILITARY LEAVE WITHOUT PAY

- 9.1 Full-time employees who are inducted or ordered to active duty with the Armed Forces of the United States or National Guard for indefinite periods, or for periods in excess of their annual training, shall be placed on military leave without pay for the period of active military duty, plus no more than ninety (90) days. If hospitalization continues after discharge, the employee will be carried in Military Leave Without Pay status for a period of not more than one (1) year.
- 9.2 The full-time employee shall be restored to the position which the employee vacated, provided:
  - a. The full-time employee makes written application to the Appointing Authority within ninety (90) days from the date of the employee's honorable discharge or discharge under honorable conditions, or from hospitalization continuing after discharge for a period of not more than one (1) year.
  - b. The full-time employee is physically and mentally capable of performing the work of the position to the satisfaction of the Appointing Authority.
- 9.3 A full-time employee who is placed on military leave while serving a working test period will be required to serve the remaining portion of the probationary period upon returning to the former position.

## SECTION 10. LEAVE WITHOUT PAY

- 10.1 A full-time employee may be granted leave without pay not to exceed thirty (30) days by the employee's department head, when it is determined

that such leave is in the best interest of the Parish. Such leave may be granted only after all accumulated sick (if applicable) and annual leave has been exhausted.

- 10.2 On certain occasions, a period not to exceed one (1) year may be recommended by the department head and approved by the Appointing Authority, when considered to be in the best interest of the Parish.
- 10.3 A department head may curtail an employee's leave without pay status, when it is determined to be in the best interest of the Parish. Timely and proper notice thereof will be furnished to the employee and the Director when such action is taken.
- 10.4 An employee shall be provided written confirmation of a leave of absence granted by the department head to include starting and ending dates.
- 10.5 Any employee who fails to return to work on the first working day following expiration of a leave without pay may be terminated.
- 10.6 Requests for leave without pay from a probationary employee shall not be granted beyond the initial 30-day period.

SECTION 11. SPECIAL LEAVE OF ABSENCE WITHOUT PAY. The Appointing Authority may grant a regular full-time employee special leave of absence without pay for the purpose of enabling the employee to accept an unclassified position in the Parish service, except an elective office. The special leave of absence without pay herein authorized shall not exceed six (6) months when approved by the Appointing Authority. Any employee who fails to return to his/her classified position at the expiration of the special leave of absence without pay may be terminated from their classified position.

SECTION 12. MATERNITY LEAVE. The Parish recognizes that pregnancy and childbirth are conditions which may interfere with the working ability of female employees. Accordingly, inability to work resulting from pregnancy or childbirth shall be viewed as illness and shall entitle a full-time employee to sick leave benefits elsewhere provided in this Rule, subject to the regular conditions and limitations set forth for the use of sick leave. It is further recognized that, in some cases of pregnancy or childbirth, an employee, although not disabled for work, may desire a leave of absence for personal convenience. In any such case, the Leave of Absence Without Pay benefits elsewhere provided in this Rule may be utilized by the employee, under the conditions and

limitations set forth therein.

SECTION 13. ABSENCE WITHOUT LEAVE

- 13.1 It shall be the duty of every employee to report for work and to work throughout the regularly scheduled working hours, unless the employee applies for and is granted approval for a leave of absence from the employee's department head.
- 13.2 All periods of absence without leave will be reported on the daily time and attendance reports by separate and specific identification, and no compensation shall be paid to any employee for time absent from work without leave.
- 13.3 Pay deduction or pay denial to an employee for time absent without leave shall not be considered or treated as a disciplinary action. Separate disciplinary actions, including dismissal, may be taken against an employee for any absence without leave, in accordance with Rule X of these Rules and Regulations.
- 13.4 For purposes of this Section, the term "work" shall include normal and related duties, assignments that are ordered or authorized by an employee's supervisor, i.e., participation in job related safety or training sessions, work breaks, evacuation of premises, or relief from duty due to hazardous conditions, escort or transport to a Parish medical facility for first aid for a job-related injury.
- 13.5 If an employee feels that pay was unjustly denied for time absent without leave, an appeal may be filed with the Director only on the basis of a specific allegation that the absence was, or should have been, approved or authorized under one or more of the leave provisions of this Rule. Such an appeal must be filed in writing and within thirty (30) calendar days of the pay day on which the pay was denied. The Appellant shall bear the burden of proof of such allegations.

SECTION 14. RETURN FROM LEAVE OF ABSENCE/INVOLUNTARY  
LEAVE OF ABSENCE

- 14.1 An employee will not be allowed to resume regular duties at work following a return from a leave of absence of five (5) or more consecutive working days, due to a medical disability until the employee furnishes the Appointing Authority a statement by a licensed physician certifying that:
  - a. The employee is released to return to work without restrictions that would prohibit the employee from performing essential job

functions, or

- b. The employee is not affected by a medical condition that interferes with the employee's ability to satisfactorily perform essential job functions.

When an employee submits documentation of an ADA-qualifying disability, a reasonable accommodation review will be conducted at the employee's request.

- 14.2 The Appointing Authority may require an employee to undergo examination by a Parish physician, at Parish expense, to obtain confirmation of the employee's ability to resume the normal duties and responsibilities of the employee's position.
- 14.3 Pending receipt of the employee's physician's certification or the Parish physician's examination, the employee may be placed in a sick leave, annual leave, or leave without pay status by the Appointing Authority.
- 14.4 Failure by an employee to comply with the requirements of this Section may result in disciplinary action, up to and including dismissal.
- 14.5 Every case in which an employee is placed in a leave status under this Section, the Appointing Authority is responsible for furnishing the employee a written statement of action taken and reasons therefor. The written notice shall also notify the employee of the right of appeal to the Director within thirty (30) days of the effective date of action taken against the employee, the Director's address, and the fact that assistance is available from the Parish to file such appeal. The Appointing Authority will also furnish the Director a copy of the notification sent to the employee. The Commission will be the sole judge of the sufficiency and timeliness of the effort.
- 14.6 Nothing in this Section shall diminish the rights and responsibilities of the Parish or of its employees, as provided under Rule VI, Section 10 (Drug Testing) of these Rules.
- 14.7 Employees who are granted Family Medical Leave under Rule IX, Section 6 (Family and Medical Leave) will be subject to conditions of the FMLA Policy as it relates to returning to work.

## RULE X

### DISCIPLINARY ACTIONS

#### SECTION 1. MAINTAINING STANDARDS OF SERVICE

1.1 When a regular employee in the classified service is unable or unwilling to perform the duties of the employee's position in a satisfactory manner, or has committed any act to the prejudice of the service, or has neglected to perform any act it was the employee's duty to perform, or otherwise has become subject to corrective action due to causes outlined in Rule VI, Section 3.5b, the Appointing Authority shall take action warranted by the circumstances in order to maintain standards of effective service.

Action by the Appointing Authority may extend to:

- a. Removal from the service.
- b. Retirement.
- c. Reduction in pay to the next lower rate in the pay range for the employee's class of position.
- d. Demotion to any position of a lower class that the Appointing Authority and the Director deem the employee is competent to fill.
- e. Suspension without pay, not exceeding in the aggregate ninety (90) days in any period of twelve (12) consecutive calendar months.
- f. Fine.
- g. Reprimand or other less drastic measures of discipline which the Appointing Authority considers proper.

1.2 In every case of dismissal, suspension, reduction in pay, fine, involuntary retirement, or demotion of an employee in the classified service, the Appointing Authority responsible for the action shall furnish to the employee involved a written statement of the reasons therefor. The written notice shall also inform the employee of the employee's right of appeal to the Commission within thirty (30) calendar days of the date of the action taken against the employee, of the address of the Commission, and of the fact that forms to assist in the filing of an appeal may be obtained from the Civil Service Department. In addition, the Appointing Authority shall forward to the Director a copy of the notification sent to the employee. In any case of alleged inability to furnish

the required written notice to a disciplined employee, the Commission may require evidence, and shall be the sole judge of the sufficiency and timeliness of the effort. The Director may review any case of disciplinary action taken against a classified employee and may, on the Director's own initiative, immediately investigate the circumstances.

## RULE XI

### RECORDS

#### SECTION 1. APPOINTMENT FORMS

- 1.1 The Director shall prescribe forms 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 indicate on these forms the proper allocation of the position and the rate of pay at which payment is to be made. When submitted to the Superintendent of Finance, in the case of those departments for which the Superintendent of Finance prepares departmental payrolls, or when submitted to fiscal officers whose departmental payrolls are not prepared by the Superintendent of Finance, these forms shall constitute authorization for the initial placement of the name of a person on a payroll. No person shall subsequently be removed from a payroll except in accordance with the Rules.

#### SECTION 2. PAYROLL AND ATTENDANCE RECORDS

- 2.1 Each Appointing Authority shall install a system of payroll and attendance records. Each payroll shall show the name of the employee, the official class title, the period for which payment is proposed, the rate of pay, and the amount of proposed payment. The system or systems shall be designed to facilitate the maintenance of adequate personnel records and to eliminate duplication of accounting and reporting to the fullest extent practicable. The Director shall advise and assist the Appointing Authority in establishing the systems of payroll and attendance records.
- 2.2 The Appointing Authority shall certify on each payroll or subsidiary document the fact of continued authorized employment of a person in a position, the fact of the actual rendering of service in the position or the fact of absence from duty on duly authorized leave with pay, the actual number of hours of attendance on duty, or any other satisfactory way of describing the time worked in the payroll period.
- 2.3 No payment for personal services shall be made by any department or fiscal officer thereof to any employee in the classified civil service of the Parish until after certification by the Director that such payment is authorized and is in conformity with these Rules. The Director's approval of forms relating to personnel transactions shall constitute certification within the meaning of this Rule.

The forms prescribed by the Director shall also be used for the authorization for continuance of the name of a person on a departmental payroll. Any change in the status of an employee shall be reported promptly to the Director on the prescribed forms, and when approved by the Director, such forms shall constitute proper authorization for the corresponding change in status of the employee.

- 2.4 If the Director finds that a person has been employed in a position in violation of these Rules, the Director shall notify the responsible fiscal officer or officers, who shall not issue any order for the payment of, and no officer shall pay, any compensation to the person, upon the penalty of personal liability for the sum or sums paid contrary to the order of the Director.

### SECTION 3. LEAVE RECORDS

- 3.1 Each Appointing Authority shall, with the advice and assistance of the Director, install and maintain a leave record showing for each employee in the classified service: (1) annual leave earned, used, and unused; (2) sick leave earned, used, and unused; and (3) any special leave or other evidence to support and justify the certification of authorized leave of absence with pay.

The Director shall prescribe the forms and procedures by which each Appointing Authority shall transmit to the Civil Service Department notice of the leave taken by or granted to classified employees.

### SECTION 4. EXAMINATION OF PERSONNEL RECORDS

- 4.1 The Director may, from time to time, examine departmental payrolls and related records to determine whether or not the persons on the payrolls have been appointed, transferred, reinstated, continued, or otherwise employed in violation of any provision of the Rules, or are being paid at a rate other than the duly authorized rate. Appointing Authorities, officials, and other officers of the Parish shall cooperate with the Director in such examinations.

### SECTION 5. RECORDS OF THE DEPARTMENT OF CIVIL SERVICE

- 5.1 Except as specifically provided in this Rule, the records of the Civil Service Department shall be public records and shall be open to public inspection during office hours observed by the Department. For reasons of public policy, the following records shall be held confidential:

- a. Examinations, examination material, tests, and the results of tests, except as provided in Rule VI, Section 5.2, and Section 5.2 of this Rule.

- b. Confidential reports and investigations on the character, personality, and history of employees or applicants for positions in the Parish service.
- c. Medical reports.
- d. Files, statements, reports, correspondence and other data in connection with and related to investigations of violations of civil service rules, when such inquiries are conducted by the Commission or the Director, other than that which is admitted in evidence at a public hearing.

5.2 Upon the request of any member of the Plaquemines Parish Council, the Parish President, or any Parish administrative official having a direct legitimate interest in the appointment of employees to classified positions, the Director will make available to them full information concerning the results of tests.

## RULE XII

### SERVICE RATINGS

#### SECTION 1. ADMINISTRATION

- 1.1 A uniform service rating system shall be established for all departments, which shall provide for evaluation of each employee's on-the-job performance. The Director shall prescribe the form on which service ratings are to be made, and each Appointing Authority shall use the prescribed form in accordance with these Rules and the instructions furnished by the Civil Service Department.
- 1.2 Each employee serving in a Probation Period shall be rated at least once during the Probation Period. The rating may be made at any time deemed most appropriate by the Appointing Authority; but preferably in conjunction with consideration of granting the employee Regular status. An employee rated Substantially Below Expectations during Probation shall not be granted Regular Civil Service status. The Appointing Authority, or his designated agent, shall decide if the employee is to be terminated or if the Probation Period is to be extended in accordance with the provisions of Rule VIII - WORKING TESTS. If the Probation Period is to be extended, the employee shall be re-rated not sooner than two (2) months nor later than six (6) months after the effective date of the Substantially Below Expectations rating. Failure to achieve a re-rating at a performance level above Substantially Below Expectations shall be cause for immediate dismissal.
- 1.3 Each employee serving in a Regular status civil service appointment shall be rated at least once in each calendar year, normally as of the first day of September with additional service ratings as described in Rule XII, Sections 1.2 and 1.6, if necessary.
- 1.4 The immediate supervisor shall discuss each employee's rating with that employee and advise the employee of their strengths and weaknesses relative to their performance. Each employee will be requested to sign the service rating form to acknowledge that the rating has been discussed with the employee. The employee will be allowed to include written comments on the form.
- 1.5 An employee who receives a rating of Substantially Below Expectations, Below Expectation, Meets Expectations, Exceeds Expectation, or Substantially Exceeds Expectations shall be eligible for a pay raise in according to the provisions of Rule IV, Section 4.
- 1.6 An employee who receives a rating of Substantially Below Expectations shall not be eligible for a pay raise. The employee shall be notified that another

performance evaluation shall be done no sooner than two (2) months nor later than six (6) months following the effective date of the current rating. If the second performance rating is Substantially Below Expectations, it shall be duty of the Appointing Authority to reassign, demote or dismiss the employee.

- 1.7 Service ratings are management judgments by appropriate supervisory authority and are not appealable to the Commission until and unless they result in some form of appealable disciplinary action specified elsewhere in these Rules.
- 1.8 Each employee's service rating shall be retained in the files maintained by the Civil Service Department which shall be responsible for certifying that each employee has received an annual rating and that the results were discussed with the employee as prescribed above.

## RULE XIII

### LAYOFFS

#### SECTION 1. ADMINISTRATION

- 1.1 In the event of a reduction in the work force of an organization unit or division thereof for fiscal or other valid reasons, in each class to be reduced, the employee having the lowest average service rating for the last three (3) years of the employee's service immediately preceding the proposed layoff date, or for the entire period of the employee's service of less than three (3) years, shall be laid off. The method prescribed elsewhere in these Rules for determining an average rating shall be followed.

In the absence of a service rating, or in case of equal service ratings, seniority in the class involved shall be the factor determining the order of layoff.

#### SECTION 2. DESIGNATION OF CLASSES AND ORGANIZATION UNITS AFFECTED

- 2.1 The Appointing Authority having jurisdiction over the organization unit affected, or his authorized representative, shall designate the class to be reduced. The class thus designated shall include all the employees in the organizational unit who are currently employed in the class or who are on authorized leave from positions in that class; provided that where the organizational structure warrants limiting layoffs to a unit smaller than a department, the Appointing Authority, with the prior approval of the Director, may divide the department into functional units for the purpose of limiting the number of employees potentially affected by any reduction in personnel.

#### SECTION 3. SUCCESSION OF LAYOFFS

- 3.1 When employees in a designated class in an organization unit are to be laid off, the order of layoff shall be determined in the following order of succession:
- a. provisional appointees.
  - b. employees certified from eligible lists to fill temporary positions.
  - c. working test employees certified from original entrance eligible lists to regular positions.
  - d. regular employees, in the manner hereinafter specified.

3.2 Should it become necessary to lay off regular employees in an organization unit, an order-of-layoff list for each class involved in the organization unit shall be established in the following manner:

- a. regular employees shall be laid off in the inverse order of average performance evaluation and within each group of equal service rating, in the inverse order of seniority within the class or in a higher class of the same kind of work.
- b. when an Appointing Authority feels that a certain individual is essential to the efficient operation of the organization unit because of special skills or abilities, and wishes to retain this individual in preference to a person with greater average service rating, the Appointing Authority must submit a written request to the Director for permission to do so. The request must set forth in detail the specific skills and abilities possessed by the individual and the reasons why such individual is essential to the effective operation of the department or organization unit.

If the Director approves the request, the specified individual may be retained in spite of a lack of seniority.

3.3 Seniority of regular employees in the class involved in the organization unit affected by a contemplated layoff shall be computed as follows:

- a. by the total length of continuous employment under a regular appointment with the Parish.
- b. by the total length of continuous employment under a regular appointment plus the total length of prior interrupted service under a regular appointment occasioned by a layoff, providing the break in service occasioned by such layoff is not greater than thirty-six (36) months.
- c. from the date of reentry into Parish employment by an employee who was separated from the service for cause and subsequently rehired.

3.4 Preferential Treatment – In the event two (2) or more regular employees have the same seniority date, the employee entitled to preferential treatment as an honorably discharged member of the Armed Forces or as a dependent (as defined in Rule XIV) of a former member of the Armed Forces shall be laid off last. When two (2) or more regular employees have the same seniority date, and all or none are entitled to preferential treatment, the Appointing Authority

shall have the discretion in determining which employee or employees shall be laid off first.

- 3.5 Bumping – Should a regular employee who is determined to be in the group to be laid off have more seniority than an employee in a lower class of the same kind of work in the organization unit, the employee shall be demoted to the lower class and an employee in the lower class shall be demoted or laid off in accordance with this Rule.
- 3.6 Should a probationary or regular employee be scheduled for layoff in one department while a provisional employee holds a position of the same class in another department, the Director shall arrange a transfer of the probationary or regular employee to the position held by the provisional employee.

#### SECTION 4. PROCEDURE

- 4.1 With reference to any proposed layoff, the names and job titles of any and all working test or regular employees scheduled for layoff shall be submitted to the Director for approval. However, no layoff shall be affected until the Director has approved the names submitted for layoff.
- 4.2 Employees shall be sent to the Department of Civil Service for an exit interview prior to layoff. During the exit interview, reemployment rights will be explained to the employees.
- 4.3 When laid off, employees, other than transient, shall be paid their accumulated annual leave.
- 4.4 The name of every regular employee who is laid off shall be placed on a appropriate Preferred Reemployment list by the Director for a period not to exceed two (2) years from the date of layoff. All such names shall be ranked by the average service rating, highest to lowest, within that class and shall remain on the Preferred Reemployment list and be governed by the provisions of Rule VII, Section 4.2.
- 4.5 Regular employees and working test employees shall be given written notice of their layoff at least ten (10) work days prior to the effective date of the layoff.

## RULE XIV

### VETERANS PREFERENCE

#### SECTION 1. VETERANS PREFERENCES AND PERSONS ELIGIBLE FOR PREFERENCES

- 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 between the wartime dates of April 6, 1917 and November 11, 1918, both dates inclusive; or between September 16, 1940 and July 25, 1947, both dates inclusive; or between June 27, 1950 and January 31, 1955, both dates inclusive; or in the Viet Nam Theater between July 1, 1958 and March 28, 1973, both dates inclusive; or who served in a peacetime campaign or expedition for which campaign badges are authorized.
- 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 gradings an additional five (5) points.
- 1.3 Ten (10) 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 classified 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.
  - 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) point preference shall be allowed at any one time to the persons enumerated above, provided further that if the ten (10) point preference is not being utilized by the veteran, either because of the veteran's physical or mental capacity which precludes the veteran's appointment to a classified job in the veteran's usual line of work or because of the veteran's 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) or ten (10) 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 Director, 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.
- 1.6 Except when general and uniform physical standards, such as height, weight, and age, are required as basic qualifications for eligibility and the passing of a test for a particular class or classes of positions, physical requirements shall be waived for any person covered by this Rule if it is shown by satisfactory evidence that the disability will not interfere with the performance of the duties of the position to which the person seeks appointment.

## RULE XV

### PROHIBITIONS AGAINST POLITICAL ACTIVITIES

#### SECTION 1. PROHIBITED ACTIVITIES

- 1.1 No member of a civil service commission and no officer or employee in the classified service shall participate or engage in political activity; be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.
- 1.2 No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position to punish or coerce the political action of a classified employee.
- 1.3 As used in this Part, "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. The support of issues involving bonded indebtedness, tax referenda, or constitutional amendments shall not be prohibited.
- 1.4 No employee in the classified service and no member of the Commission shall take active part in an effort to recall from office an elected public official, or seek, solicit or attempt to coerce any person including any employee in the classified service and any member of the Commission into participating in any such effort or signing a recall petition except that nothing contained herein shall prevent an employee in the classified service or member of the Commission from signing a recall petition.
- 1.5 No person elected to public office shall, while serving in such elective office, be appointed to or hold any position in the Classified Service.

#### SECTION 2. VIOLATIONS

- 2.1 It shall be the duty of any employee or Parish official to report promptly any violation of the provisions of this Rule to the Director, whose duty it shall be to make a preliminary investigation concerning the alleged violations and to report the findings to the Commission.

SECTION 3. BOARD ACTION ON VIOLATIONS

- 3.1 The Commission, on its own initiative, at any time, may investigate any suspected violations of the provisions of this Rule by any person.
- 3.2 The Commission will only address violations reported within one (1) year after occurrence.
- 3.3 Within thirty (30) days after receiving a report of an alleged violation from the Director, the Commission shall hold a public hearing concerning the charges. If the Commission determines that the person or persons under inquiry did violate any of the provisions of this Rule, the Commission is empowered to order such disciplinary action(s) as the Commission deems appropriate and the Appointing Authority shall forthwith take such action(s) necessary to comply therewith.

## RULE XVI

### TRANSITION RULES FOR IMPLEMENTATION

#### SECTION 1. RULE I - DEFINITIONS

1.1 The provisions of Rule I shall be effective retroactive to October 13, 1995.

#### SECTION 2. RULE II - ORGANIZATION, RULES AND PROCEDURES OF THE CIVIL SERVICE COMMISSION

2.1 The provisions of Rule II shall be effective retroactive to October 13, 1995.

#### SECTION 3. RULE III - CLASSIFICATION PLAN

3.1 The provisions of Rule III shall become effective thirty (30) days after approval by the Plaquemines Parish Council of Rule IV - Pay Plan and the accompanying schedules. Classification changes will be made as of the beginning of the first pay period following the effective date.

#### SECTION 4. RULE IV - PAY PLAN

4.1 The provisions of Rule IV shall become effective thirty (30) days after approval by the Plaquemines Parish Council. Salary adjustments will be made as of the beginning of the first pay period following the effective date.

4.2 No employee will be decreased in salary due to the implementation of the Pay Plan.

4.3 The salary of each employee whose current salary is not equal to a step within the range assigned to that employee's job classification shall be adjusted to be equal to the next higher step in that range.

4.4 For each seven (7) years of current, continuous Parish service, an employee shall be eligible for a salary adjustment of one (1) step above the minimum within the range assigned to the employee's job classification. If the current salary of an employee is greater than the salary for the number of steps earned by this seniority adjustment, the employee's salary shall not be adjusted other than as provided in 4.3 above to be equal to a step within the range.

#### SECTION 5. RULE V - RETIREMENT AND PENSION SYSTEM

5.1 The provisions of Rule V shall be effective retroactive to October 13, 1995.

SECTION 6.      RULE VI - EXAMINATIONS

6.1            The provisions of Rule VI shall become effective thirty (30) days after approval by the Plaquemines Parish Council of Rule IV - Pay Plan and the accompanying schedules.

SECTION 7.      RULE VII - VACANCIES, CERTIFICATION, APPOINTMENT

7.1            The provisions of Rule VII shall become effective thirty (30) days after approval by the Plaquemines Parish Council of Rule IV - Pay Plan and the accompanying schedules.

SECTION 8.      RULE VIII - WORKING TESTS

8.1            The provisions of Rule VIII shall become effective thirty (30) days after approval by the Plaquemines Parish Council of Rule IV - Pay Plan and the accompanying schedules.

SECTION 9.      RULE IX - HOURS OF WORK, LEAVES OF ABSENCE AND ABSENCE WITHOUT LEAVE

9.1            The provisions of Rule IX shall become effective as of January 1, 1997.

9.2            Current Parish policies applicable to the provisions of Rule IX shall remain in effect until December 31, 1996.

SECTION 10.     RULE X - DISCIPLINARY ACTIONS

10.1           The provisions of Rule X shall be effective retroactive to October 13, 1995.

10.2           The thirty (30) day limitation for filing appeals to the Commission for any disciplinary actions taken after the effective date of Rule X and prior to the adoption of these Rules shall be waived. However, all appeals of actions taken after the effective date of Rule X and prior to the adoption of these Rules shall be filed no later than December 31, 1996.

SECTION 11.     RULE XI - RECORDS

11.1           The provisions of Rule XI shall become effective thirty (30) days after approval by the Plaquemines Parish Council of Rule IV - Pay Plan and the accompanying schedules.

SECTION 12.     RULE XII - SERVICE RATINGS

12.1 The provisions of Rule XII shall become effective thirty (30) days after approval by the Plaquemines Parish Council of Rule IV - Pay Plan and the accompanying schedules.

12.2 The service ratings of Regular status civil service appointments employed as of the effective date of this Rule XII shall be made as of their Pay Raise Eligibility Date, as defined in Rule IV, Section 4.1, next following January 1, 1997.

SECTION 13. RULE XIII - LAYOFFS

13.1 The provisions of Rule XIII shall become effective thirty (30) days after approval by the Plaquemines Parish Council of Rule IV - Pay Plan and the accompanying schedules.

SECTION 14. RULE XIV - VETERANS PREFERENCE

14.1 The provisions of Rule XIV shall become effective thirty (30) days after approval by the Plaquemines Parish Council of Rule IV - Pay Plan and the accompanying schedules.

SECTION 15. RULE XV - PROHIBITIONS AGAINST POLITICAL ACTIVITIES

15.1 The provisions of Rule XV shall be effective retroactive to October 13, 1995.

SECTION 16. RULE XVI - TRANSITION RULES FOR IMPLEMENTATION

16.1 The provisions of Rule XVI shall become effective immediately upon approval by the Plaquemines Parish Council of Rule IV - Pay Plan and the accompanying schedules.