

**JEFFERSON PARISH
Department of Personnel**

**PERSONNEL
RULES OF THE
CLASSIFIED
SERVICE**

(Ordinance No. 4074)

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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. "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 grade for the employee's class of positions.
3. "Allocation": the official determination of the specific class to which a position in the classified service belongs.
4. "Appointing authority": any agency, board, commission, officer, official, or other individual duly empowered to make appointments to positions in the Parish classified service.
5. "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.
6. "Appropriate employment list": a list of the names of persons 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.
7. "Average performance evaluation": the simple arithmetical mean of the overall values of performance evaluations performed by an appropriate Appointing Authority under Rule XII, Sections 1.2 (rating during initial probationary period upon entry into the Parish service only) and 1.3 (not including re-ratings provided for under Sections 1.3 and 1.6). For purposes of this definition, the overall value of an evaluation shall be 0 where the overall evaluation is below expectations or 1 where the overall evaluation is needs improvement or higher.
8. "Board": the Personnel Board.
9. "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.
10. "Certification after probation": official notice furnished by an appointing authority to the Director that an employee has satisfactorily completed the prescribed working test period.
11. "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 be treated alike equitably and fairly under like conditions for all personnel purposes.

12. "Classification plan": all the classes of positions established for inclusion in the classified service.
13. "Classified service": all offices and positions of trust or employment in the Parish service, except those placed in the unclassified service by Section 4.03 A et seq. of the Jefferson Parish Home Rule Charter.
14. "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.
15. "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.
16. "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; subject to the specific administrative and procedural provisions set forth in the Tenure Award provisions of the Pay Plan. Continuous service as used in Personnel Rule IV, Section 7.1 shall mean that the individual moved immediately from one plan to the classified plan with no break in service.
17. "Cumulative service": Total employment time with Jefferson Parish in the Pay Plan for the Classified Service used as recognition for cumulative service to Jefferson Parish for the Classified Service or the Executive Pay Plan for Unclassified Employees including all continuous service and one prior service period under the conditions as outlined in Personnel Rule IV, Section 2.4.
18. "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 maximum rate of pay is prescribed.
19. "Department": The Department of Personnel, including both the Personnel Board and the Director of Personnel.
20. "Departmental certification": certification from a promotional register of a list of persons who already have permanent status in a lower class of positions in the same department.
21. "Director": the Parish Director of Personnel.
22. "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.
23. "Donated Leave": leave (sick and/or annual) received by leave recipient through the guidelines established in Rule IX, Section 18.
24. "Eligible": a person whose name is on a list.
25. "Employee": a person legally occupying a position within the classified service. For the purposes of these rules the term "public employee" shall be considered identical with the term "employee".
26. "Employment list": an original entrance employment list, a promotion employment list, or a re-employment list.
27. "Entrance test": a test for positions in a particular class, admission to which is not limited to persons

employed in the Parish service.

28. "Examination": the entire qualifying procedure through which an applicant for a classified position must go in his attempt to achieve a place on an employment list.
29. He, his, him, etc. shall include the feminine connotation in general and applicable cases.
30. "Immediate Family": for the purposes of these Rules, the term "immediate family" shall include the parents, grandparents, brothers, sisters, spouse, children, step parents/children, and, if living under the same roof with the employee, other blood relatives or relatives by marriage.
31. "Law": Section 4.01 B and Section 4.03 et seq. of the Jefferson Parish Home Rule Charter.
32. "Layoff": the removal of an employee because of lack of work, failure of financial appropriation, abolishment of position, or other causes which do not reflect on the employee.
33. "Leave Donor": a regular or working test period employee approved by the Department of Personnel to donate leave (annual and/or sick) to eligible leave recipients.
34. "Leave Recipient": a regular or working test period employee with a medical emergency, either his own or of an immediate family member, approved by the Personnel Director and his Appointing Authority as eligible to receive donated leave from a leave donor.
35. "Leave without Pay": The term "leave without Pay" when utilized throughout the Rules shall include Absence without Leave, Leave without Pay, Leave of Absence without Pay, and Unauthorized Leave of Absence without Pay.
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 re-employment list.
38. "Longevity Pay": Pay above the normal maximum rate provide for in the Pay Plan for the Classified Service used as recognition for cumulative service to Jefferson Parish in the Pay Plan for the classified Service or the Executive Pay Plan for the Unclassified Employees as outlined in Personnel Rule IV, Section 2.4.
39. "Medical Emergency": a medical condition of a regular employee or an immediate family member of such regular employee that is likely to require the prolonged absence of such employee from duty and to result in a substantial loss of income to such regular employee because of the unavailability of paid leave.
40. "Occurrence": any amount of time absent in a work day that was not previously scheduled and approved by supervisor and includes consecutive days pertaining to the same illness or event.
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 or of the administration of the Rules and Regulations of the Personnel Board.

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 Section 4.03 A et seq. of the Jefferson Parish Home Rule Charter.
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 Personnel Board 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 Board 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 throughout each working day in a specified 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. “Pre-approved leave of absence”: Any pre-approved leave including, but not limited to: Sick Leave, Annual Leave, Parental Leave, Donated Leave, Civil Leave, Funeral Leave, Worker’s Compensation Leave, Leave without Pay, compensatory time, Military Leave with Pay, and Military Leave without Pay.
50. “Prohibitions against political activity”: those restrictions adopted by the Board and prescribed either in the Rules or by Regulation, which prohibit participation by employees in activities which the Board deems of a political nature.
51. “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 maximum rate of pay is provided in the pay plan.
52. “Promotion employment list” or “promotion list”: an employment list for a class resulting from tests of fitness limited to applicants who are employees of lower classes in the classified service.
53. “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.
54. “Public hearing”: a hearing held after publication of at least one public notice in the official journal or journals of the Parish not less than ten (10) calendar days before the hearing is scheduled to convene, at which any person may have a reasonable opportunity to be heard in accordance with the Rules and Regulations adopted by the Board.

55. "Public notice": the posting of a notice of intention on the part of the Board or the Director to take a certain action, such notice to be posted on a bulletin board located at the offices of the Department or published in the official journal or journals of the parish, or both.
56. "Re-employment": the re-appointment of a former regular employee or a present employee who has been demoted or separated from his position for reason other than fault or delinquency on his part to a position of the class from which he was separated.
57. "Re-employment list": an employment list for a class consisting of a list of names of persons who have previously occupied positions allocated to that class, and who have been found to be entitled to certification for re-appointment to positions of the class.
58. "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.
59. "Regulation": a definition, policy, or mode of procedure consistent with the Rules and formally prescribed in writing by the Director or the Board 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.
60. "Reinstatement": the re-appointment of a working test employee or a regular employee who has been separated from his position to a position of the same class or to any other position to which the employee may have been assigned, transferred, reallocated, or demoted if the separation had not occurred.
61. "Resignation in lieu of dismissal": When an employee resigns his position after becoming subject to dismissal as provided for under Rule VI, Rule VII, and Rule X of these rules.
62. "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.
63. "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.
64. "Sick leave": an employee's absence from duty because of any one of the following reasons: (1) the employee's personal illness or injury; (2) quarantining of the employee by health authorities; (3) death in the employee's immediate family; (4) to care for an immediate family member that has an illness or injury.
65. "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.
66. "Termination of service": separation of an employee from his position by reason of death, resignation, layoff, dismissal, expiration of his term of appointment, or failure to return after the expiration of a period of authorized leave.
67. "Test": a specific phase of the examination process, such as a written test, a performance test, an oral interview, an experience rating, etc.
68. "Transfer": the reassignment or change of an employee from a position in one department to a position in

another department, provided similar requirements exist in both positions.

69. "Unassembled examination": an examination or test the candidates for which are not all assembled in the same place at the same time.
70. "Unscheduled Absence": any amount of time absent in a work day that was not previously scheduled and approved by supervisor.
71. "Widow": the term widow as used in Personnel Rule XIV shall include the masculine connotation in general and applicable cases.
72. "Working day": one-tenth of the employee's designated hours per pay period.
73. "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 his appointment. The term "probation period" shall be considered identical with the term "working test period".
74. "Working test period employee": an employee who has been appointed to a position from an employment list, but who has not completed his 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 PERSONNEL BOARD

Section 1. ORGANIZATION OF PERSONNEL BOARD

- 1.1 Election of Chairman: At the regular meeting in May of each year, the Board shall elect one of its members Chairman for a term of one (1) year or until a successor is duly elected. Should the office of Chairman prematurely be vacated because of death, resignation, or otherwise, the Board shall elect a successor at the meeting next following the occurrence of the vacancy.
- 1.2 Rules of Order: The Board 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 Board and subsequent submission of Board recommendations to and approval by the Parish Council.
- 2.2 Effective Date of Amendments: Unless otherwise specifically provided, any amendment to the Rules shall become effective on the first day of the month following the date of enactment of the ordinance approving the amendment.

Section 3. MEETINGS

- 3.1 The Board shall hold one (1) regular meeting in each month, except when a meeting is considered unnecessary.
- 3.2 Special meetings may be held at times and places specified by call of any member of the Board.
- 3.3 The Director of Personnel shall notify each member of the Board of the time and place of all regular meetings.
- 3.4 It shall be the policy of the Board to hold open, public meetings; except that the Board may exercise the right to enter into executive session whenever it deems necessary.
- 3.5 Two (2) members of the Board shall constitute a quorum for the transaction of business.
- 3.6 The Director of Personnel shall act as secretary to the Board and shall keep adequate minutes and other records of the official actions and business of the Board. The Director shall maintain the records in his office.
- 3.7 Unless the Board specifies otherwise, its meetings shall be held at its offices, in space provided by the proper Parish officials.

Section 4. APPEALS

- 4.1 Regular employees in the classified service shall have the right to appeal to the Board from

suspension, fine, dismissal, layoff, demotion, reduction in pay, or furlough and designation as cyclic worker as provided under Rule XIII, Section 4.2 (a) and (c), 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 Board; provided, that he 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.
- 4.3 Where discrimination or retaliation, including a violation of the Charter or a Personnel Rule, is alleged to be a basis for appeal, specific facts supporting the conclusion of discrimination or retaliation 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 or retaliation is not sufficient. The types of facts which must be included are:
- (a) the date, time and place the discriminatory or retaliatory action took place;
 - (b) the name of the person or agency alleged to have taken the discriminatory or retaliatory 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 his religious or political beliefs, sex, race, or any other non-merit factor.

Persons alleging discrimination or retaliation as a basis for appeal shall bear the burden of proof of their allegations.

- 4.4 Persons appealing to the Board shall do so in writing and shall specify the reasons for requesting a hearing.
- 4.5 Appeals to the Board must be filed with and received by the Personnel Department during established Department working hours and within thirty (30) calendar days of the effective date of the action complained against. Saturdays, Sundays, holidays, and other non-working days shall not serve to extend this thirty-day limitation. If the last day falls on a weekend or legal holiday, then the delay shall end on the next working business day.

Following the expiration of the thirty (30) calendar day period which is provided above for the filing and receipt of appeals, no appeal shall be amended or supplemented in such a way as to change the fundamental issues involved in the original appeal.

- 4.6 Within sixty (60) calendar days after receipt of an appeal, the Board shall initiate a hearing. The Board 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 The Board or Referee shall decide appeals promptly, but in any event within ninety (90) calendar days after completion of a hearing.
- 4.8 Appellants shall have the right to be represented by counsel. Such counsel must be duly licensed to practice law in the State of Louisiana.
- 4.9 In its decisions resulting from appeals hearings taken under this section, the Board or Referee may affirm, amend, or overturn the action from which appellant appealed; including an award of back pay and other emoluments. However, in cases in which back pay is awarded, the appellant shall be required to file with the Board or Referee a notarized statement of all monies earned by appellant during the period of absence from the Parish payroll, and a hearing shall take place to determine which earnings shall be deducted in computing the amount of the back-pay award.

Section 5. OATHS, TESTIMONY, PRODUCTION OF RECORDS, DEPOSITIONS, AND PAYMENT OF COSTS

- 5.1 The Board, each member of the Board, the Referee, and the Director may administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by the Board pursuant to the Law and Rules. Applications for issuance of subpoenas must be received in the Personnel Department at least seven (7) work days prior to the date established for the hearing.
- 5.2 If the subpoena is not complied with by the date of appearance or for the production of documents, the Personnel Board may apply to the 24th Judicial District Court for an order compelling compliance with the subpoena. A person failing to comply may be adjudged in contempt of court. The Personnel Board may seek recovery of costs and attorney's fees associated with order to compel.
- 5.3 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 Jefferson Parish, shall give due notice in writing to the opposing party or his counsel and shall furnish a copy of said notice to the Board. The testimony of such witness or witnesses may be taken in a manner and form as nearly consonant as possible with the provisions as provided in the Louisiana Revised Statutes or Louisiana Code of Civil Procedure.
- 5.4 The Board or the referee may order a witness and/or exhibit list to be exchanged by the parties and filed into the record prior to the commencement of the hearing.
- 5.5 The Board or the referee may order a mediation between the parties upon the request of one or both parties, or on the Board's or referee's own motion. The mediator shall be appointed by the referee or the Board. Mediation may not be ordered in disciplinary actions as specified in Personnel Rule X.

Even though the parties have agreed to submit a dispute to mediation, they are not obliged to continue with the mediation process after the first full meeting. The non-binding nature of mediation means that a decision cannot be imposed on the parties. In order for any settlement to be concluded, the parties must voluntarily agree to accept it. The role of the mediator is solely to assist the parties

in reaching their own decision on a settlement of the dispute.

Mediation is a confidential procedure. Any admissions, proposals or offers for settlement will not have any consequences beyond the mediation process.

5.6 Payment of costs shall be made as follows:

- (1) The Personnel Director or his designee, immediately after the order of appeal from a decision of the Personnel Board has been granted, shall estimate the cost of the preparation of the record on appeal, including the fee of the court reporter for preparing the transcript and the filing fee required by the appellate court. The Personnel Director or his designee shall send notices of the estimated costs by certified mail to the appellant and by first class mail to the appellee.
- (2) Within twenty (20) calendar days of the mailing of notice, the appellant shall pay the amount of the estimated costs to the Personnel Department. Saturdays, Sundays, holidays, and other non-working days shall not serve to extend this twenty-day limitation. If the last day falls on a weekend or legal holiday, then the delay shall end on the next working business day. The Personnel Board may grant one extension of the period for paying the amount of the estimated costs for not more than an additional twenty (20) calendar days upon written motion showing good cause for the extension.
- (3) The appellant may question the excessiveness of the estimated costs by filing a written application for reduction in the Personnel Department within the first twenty-day time limit, and the Personnel Board may order reduction of the estimate upon proper showing. If an application for reduction has been timely filed, the appellant shall have twenty (20) calendar days to pay the costs beginning from the date of the action by the Personnel Board on application for reduction. Saturdays, Sundays, holidays, and other non-working days shall not serve to extend this twenty-day limitation. If the last day falls on a weekend or legal holiday, then the delay shall end on the next working business day.
- (4) After the preparation of the record on appeal has been completed, the Personnel Director shall, as the situation may require, either refund to the appellant the difference between the estimated costs and the actual costs if the estimated costs exceed the actual costs, or send a notice by certified mail to the appellant of the amount of additional costs due, if the actual costs exceed the estimated costs. If the payment of additional costs is required, the appellant shall pay the amount of additional costs within twenty (20) calendar days of the mailing of the notice. Saturdays, Sundays, holidays, and other non-working days shall not serve to extend this twenty-day limitation. If the last day falls on a weekend or legal holiday, then the delay shall end on the next working business day.
- (5) If the appellant fails to pay the estimated costs, or the difference between the estimated costs and the actual costs, within the time specified, the Personnel Board, on its own motion, or upon motion by the Personnel Director or by any party, and after a hearing, shall:
 - (a) Enter a formal order of dismissal on the grounds of abandonment; or
 - (b) Grant a ten day period within which costs must be paid in full, in default of which the appeal is dismissed as abandoned.

- (6) If the appellant pays the costs required by this Rule, the appeal may not be dismissed because of the passage of the return day without an extension being obtained or because of an untimely lodging of the record on appeal.
- (7) For purposes of this section, appellant(s) shall mean a party seeking appellate relief, and appellee(s) shall mean a party not seeking appellate relief.

Section 6. DRUG AND ALCOHOL TESTING APPEALS

6.1 This Section includes special provisions which are applicable only to employee appeals arising from the application of Rule VI, Section 10: Drug and Alcohol Testing Program.

- (a) At the hearing on any such appeal, completed chain of custody form, test results, MRO report and/or breath alcohol test result from which formed the basis of the disciplinary action shall be received into evidence as a business record exception to the hearsay rule and these documents shall constitute prima facie evidence of the validity of the test.
- (b) A working test or regular classified employee who contests the validity of the results of an alcohol or drug test shall allege with specificity, any and all aspects of the alcohol or drug test which the appellant alleges were invalid, including collection, testing, MRO report, and/or breath alcohol test.
- (c) Any working test or regular employee, confirmed positive, may submit a written request to the Department of Human Resource Management for the documents which formed the basis of the disciplinary action within seven (7) work days of receipt of test results.
- (d) When the Department of Human Resource Management is presented with a request for said documents, the Department of Human Resource Management shall provide to the appellant all documents in the record obtained from the collector, testing laboratory, Medical Review Officer, and/or Breath Alcohol Technician within seven (7) work days of its receipt of a request for said documents. If the Department of Human Resource Management fails to provide the documents from the alcohol or drug test within seven (7) work days after receiving a timely request for said documents, the presumption of the validity of said documents is negated and the Appointing Authority shall be required to introduce admissible evidence to establish the validity of the testing procedure in accordance with 6.1(a).
- (e) An appellant shall be permitted to amend his or her petition of appeal in order to comply with the provisions of Section 6.1(b) provided that such amendment shall be filed in writing with and received by the Personnel Department during established department working hours, within seven (7) work days of the receipt of the requested documents from the Department of Human Resource Management.

Section 7. WHISTLEBLOWER PROTECTION

7.1 REPRISAL PROHIBITED

An appointing authority shall not engage in reprisal against an employee for disclosing a violation or suspected violation of any of the following:

- (A) A state or federal law.

- (B) A lawful regulation or rule promulgated by Jefferson Parish or other political subdivision of the state of Louisiana.
- (C) A civil service rule or regulation adopted through the Jefferson Parish Personnel Board's rule making process as provided in the Jefferson Parish Charter, Section 4.03.

7.2 APPLICATION

An employee who discloses, or who is known by the appointing authority to have indicated an intent to disclose, violations or suspected violations are protected by this rule, unless the employee knew the disclosure was false. This protection extends to an employee who participates in, or who was known by the appointing authority to have indicated an intent to participate in, a court proceeding or an investigation, hearing, or inquiry conducted by a public body.

7.3 FORMS OF REPRISAL

Reprisal includes actions such as discharge or other disciplinary actions, threats of discipline, denial of permanent status to probationary employees, negative performance evaluations or comments therein, or arbitrary and capricious changes in the conditions of employment.

7.4 RIGHT OF APPEAL

Any employee who alleges that he has suffered reprisals prohibited under this section including but not limited discharge or other disciplinary actions, threats of discipline, denial of permanent status to probationary employees, negative performance evaluations or comments therein, or arbitrary and capricious changes in the conditions of employment shall have the right to appeal to this Board.

7.5 BURDEN OF PROOF

An appellant who files an appeal based on an allegation of reprisals as prohibited under this section shall bear the burden of proof either through first or indirect evidence.

7.6 KNOWINGLY MAKING FALSE DISCLOSURES

Determination by the Board that an employee has knowingly made or intended to make a false disclosure shall be grounds for dismissal of appeal and may be grounds for further disciplinary action by the appointing authority, the Board, or Referee.

Section 8. EXCLUSIVITY AND REVIEW

- 8.1 The Jefferson Parish Personnel Board shall have the exclusive power and authority to hear and decide all removal and disciplinary cases and other actions appealable under these Rules. It may appoint a referee, with subpoena power and power to administer oaths, to take testimony, hear, and decide all removal and disciplinary cases and other actions appealable under these Rules. The decision of a referee is subject to review by the Board on any question of law or fact upon the filing of an application for review with the Board within thirty (30) calendar days of the date on which the subject Referee's decision or order is placed in the mailed or sent electronically to the interested parties (whichever occurs first).

- (1) Applications for review must be submitted with a legal brief containing the following:
 - (a) The name and docket number of the appeal sought to be reviewed; and
 - (b) Specified factual findings and/or conclusions of law which are believed to be wrong. A general statement that the opinion is wrong or that the evidence does not support the findings will not be considered sufficient; and
 - (c) Specified pleadings and exhibits offered into evidence which are to be submitted to the Board with the application for review. A transcript of the proceedings before the referee may not be specified as a pleading or exhibit under this rule unless paid for by the appellant. If no pleadings or exhibits are specified, only the referee's decision, the request for appeal and the notice of disciplinary or other action will be submitted to the Board with the application for review; and
 - (d) A written argument; and
 - (e) A certificate that a copy of the application for review has been sent to the opposing party.
- (2) Any opposition to the original brief shall be filed in the Board's office within fifteen (15) calendar days from the submission of the application and original brief. Such opposition may contain argument and may identify pleadings and exhibits offered into evidence before the Referee that should be considered by the Board in support of the opposition. A transcript of the proceedings before the Referee may not be specified a pleading or exhibit under this rule unless paid for by the party requesting it. Such opposition shall contain a certificate that a copy was sent to the opposing party.
- (3) The applicant may furnish a reply memorandum but only if it is received within two (2) calendar days from the submission of the opposition memorandum.
- (4) If the applicant or opposition designates the transcript and the transcript is delayed, a request for extension of time may be filed with the Director for consideration by one member of the Board or the Referee, subject to review and ratification by a majority of the Board members at the next meeting. A delay may only be granted if the transcript was requested within fifteen (15) calendar days of the date on which the Referee's decision or order was placed in the mail or sent electronically to the interested parties (whichever occurs first). Any request for delay will require written proof of payment to the court reporter as to the date the initial request was made and must be submitted with the motion for extension time.
- (5) If the last day falls on a weekend or legal holiday, then the delay shall end on the next working business day. If an application for review is not timely filed with the Board, the decision of the referee becomes the final decision of the Board as of the date the decision was rendered. If an application for review is timely filed with the Board and, after a review of the application by the Board, the application is denied, the decision of the referee becomes the final decision of the Board as of the date the application is denied.
- (6) Any referee appointed by the Board shall have been admitted to the practice of law for at least eight (8) years prior to his appointment. Decisions of the Board shall be subject to review on any question of law or fact upon appeal to the Louisiana Fifth Circuit Court of Appeal.

- 8.2 An application for appeal from a final decision of the Board shall be effectuated in accord with the Uniform Rules - Courts of Appeal, Rule 3, 3-1, The Special Appeals, Administrative Cases, said rules hereby being adopted and, by reference, made part hereof. The application for appeal shall be in writing and must be filed with and received by the Personnel Department during established Department working hours and within thirty (30) calendar days of the effective date of the decision from which the appeal is taken. Saturdays, Sundays, holidays, and other non-working days shall not serve to extend this thirty-day limitation. If the last day falls on a weekend or legal holiday, then the delay shall end on the next working business day.

RULE III

CLASSIFICATION PLAN

Section 1. CREATING CLASSES AND ALLOCATING POSITIONS

- 1.1 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 position classification plan devised by the Director and approved by the Board in accordance with Section 4.03 D (1) of the Law shall be maintained and administered by the Director.
- 1.2 Whenever, in the opinion of the Director, the necessity arises for establishing a new class or revising or abolishing an existing class in the classification plan, he may anticipate formal action of the Board by adding the new class or revising or abolishing an existing class. The Director's action in this regard shall be subject to ratification by the Board at its next regular meeting.
- 1.3 If an employee believes his position has been improperly allocated, he may protest the allocation and request a position allocation study. A person designated by the Director may hold special hearings to determine the facts of each case. The designee may require the employee or any other party to produce and present pertinent forms or documents. The designee shall make his 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 Director if dissatisfied with the findings of the study within thirty (30) calendar days of the date notifying the employee of the findings. The Director or Personnel Board Special Assistant shall review the findings of the study and shall make his decision on the basis of written statements and forms presented by the employee and the facts brought out in the review. The employee shall have the right to appeal to the Board within fifteen (15) calendar days of the date notifying the employee of the Director's findings if dissatisfied with the action of the Director. Saturdays, Sundays, holidays, and other non-working days shall not serve to extend these thirty (30) calendar day and fifteen (15) calendar day limitations. If the last day falls on a legal holiday, the period runs until the end of the next day which is not a legal holiday. Following the expiration of the thirty (30) and fifteen (15) calendar day periods which are provided above for the filing and receipt of protest of findings, no protest of findings shall be amended or supplemented in such a way as to change fundamental issues involved in the original protest of findings.
- 1.4 As a result of the position allocation study, if any employee's position is found to be a different position of equal or higher level than originally allocated, he shall be tested for the equal or higher position and placed on the list upon passing the examination.

Section 2. FORCE AND EFFECT OF CLASSES

- 2.1 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) Qualifications commonly required for positions of different classes, such as acceptable physical condition, United States citizenship/nationality or legal authorization to work within the United States, residence within the Parish of Jefferson (except when waived), honesty, sobriety, and industry, shall be deemed to be implied as qualification requirements for entrance to each class even though they are not specifically mentioned in the specifications.
- (d) 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 3. STATUS OF INCUMBENT WHEN POSITION IS REALLOCATED

- 3.1 When a position is reallocated to a higher class because of a gradual change in the duties of the position, and if the Director deems it impracticable to hold a competitive examination to fill the position, the incumbent, if a regular employee, may continue to occupy the position under the higher classification on a permanent basis provided he meets the minimum qualifications for that position. The decision of the Director shall be subject to approval by the Personnel Board.

RULE IV

PAY PLAN

Section 1. APPLICABILITY

- 1.1 For purposes of administering these Rules and the Pay Plan, each pay grade shall consist of an open range including a minimum entrance annual rate, a normal maximum annual rate and an absolute maximum annual rate. The grade range between the normal maximum rate and the absolute maximum rate shall be used for longevity pay purposes. An employee's pay may only exceed the absolute maximum rate of the pay grade when achieved by promotional, reallocation, and/or end of probation pay increases. Where the term maximum rate is used in this Rule, it shall mean the normal maximum rate stated in the Pay Plan, or, in the case of an employee having sufficient service to qualify for longevity pay, that employee's individual longevity maximum rate.

When necessary to the operation of the Parish automated payroll system, salary equivalents of the annual pay rates stated in the Pay Plan may be computed on an hourly, day, and bi-weekly basis as follows:

- (a) hourly rate = annual rate/annual base hours for the class or position (2080 hours for 40 hour/week base, or 1820 hours for 35 hour/week base), rounded to the nearest four (4) decimal places;
 - (b) day rate = hourly rate* regular hours per day, rounded to the nearest two (2) decimal places;
 - (c) bi-weekly rate = day rate*10.
- 1.2 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 normal maximum rate provided for his class of positions, except as specifically permitted elsewhere in this Rule, or as specifically provided in the Pay Plan.
- (a) For the year 2023, employees with eligibility dates between including July 16 through December 16 are exempt from the above limitation of being paid more than the normal maximum rate provided for his class of positions; and, for the employees with eligibility dates between and including the dates referenced herein, employees are eligible to receive any increase for which they would have been eligible, but not for the cost of living adjustment authorized by Resolution No. 142283, adopted on July 12, 2023.
- 1.3 All appointments in the classified service shall be made at the minimum rate or such other starting rate specifically authorized by the Personnel Board, except that:
- (a) when an employee is changed from one class of work to another having a higher pay grade, whether by appointment from an eligible list or by reallocation in accord with Rule III, 3.1 of the Rules, if his salary rate at the time of change is less than five (5) percent below or is equal to or greater than the minimum rate for the class to which he is promoted, he shall, subject to availability of funds, be granted at least, a five (5) percent pay increase (not subject to absolute maximum rate limitation on the effective date of the change);

- (b) when an employee is changed from one class of work to another having the same pay grade, he shall retain his present pay rate, subject to upward or downward adjustment by separate and specific appropriate action;
- (c) when an employee is changed from one class of work to another having a lower pay grade, he shall be paid his present pay rate or the maximum rate for the lower class, whichever is lesser, subject to downward adjustment by separate and specific appropriate action;
- (d) when an employee or former employee is reinstated or reemployed from a reemployment list, he may be paid at his former pay rate if it is within the appropriate current pay grade;
- (e) when a former employee is reinstated or reemployed from a reemployment list in accordance with Rule VII, Section 4 following a separation not for cause, with the prior approval of the Director, an appointing authority may pay the reinstated employee a pay rate of up to 120% of the minimum entrance rate or as indicated in sub-section (d) above. In order to qualify for the higher rate the reinstated employee must possess extraordinary or superior qualification/credentials above and beyond the minimum qualifications/credentials above and beyond the minimum qualifications/credentials required which have been verified and documented as job related, and that additional pay shall be limited to five (5) percent per year of formal education or paid work experience, or other valuable qualification or credential. The additional pay shall be limited to (5) percent per year the appointee was satisfactorily employed by Jefferson Parish in a capacity equivalent or greater than the position involved.
- (f) with the prior approval of the Director, an appointing authority may pay an employee entering into the classified Parish service through an original employment appointment or temporary employment appointment a pay rate of up to 120% of the minimum entrance rate, subject to the following conditions and limitations:
 - (1) that the appointee possesses extraordinary or superior qualifications/credentials above and beyond the minimum qualifications/credentials required which have been verified and documented as job related, and that additional pay shall be limited to five (5) percent per year of formal education or paid work experience, or other valuable qualification or credential;
 - (2) that the appointee was, or is currently, satisfactorily employed by another government jurisdiction in a capacity equivalent to the position involved, which employment has been verified, and that additional pay shall be limited to five (5) percent per year of experience;
 - (3) that the duties and responsibilities of a position require the employment of a person with qualifications/credentials that differ significantly from those normally required for other positions in the same class, and the persons who possess such qualifications are not readily available in the labor market at the minimum entrance rate in the pay grade;
 - (4) that a recruitment effort has failed to produce a full certification of candidates and the Personnel Director certifies that qualified personnel cannot be recruited at the prescribed minimum rate, and that the pay rate approved by the Director is subject to review by the Personnel Board at its next scheduled meeting;

- (5) whenever a higher starting rate is approved and implemented based on recruiting difficulties, all current employees occupying positions in the class or classes involved whose salaries are below the new entrance rate shall be raised to the new higher rate, unless this requirement is specifically waived by the Board;
 - (6) that higher rates may be paid only with the prior approval of the Personnel Board;
 - (7) the Director shall have exclusive, final authority to validate the qualifications/credentials credited for purposes of this subsection;
 - (8) these rates may be applied to classes and positions assigned to pay grade 17 or above.
- (g) upon certification by the Personnel Director that qualified personnel cannot be recruited and hired at a prescribed normal starting pay rate, the Personnel Board may authorize employment at any rate within the established range deemed necessary and adequate, provided that whenever such a higher starting rate is approved and implemented, all current employees occupying positions in the class involved whose salaries are below the new entrance rate shall be raised to the new higher rate, unless this requirement is specifically waived by the Board; or, may approve the reassignment of the job classification involved to an alternate pay grade deemed necessary and adequate, known as a Market Based Pay Grade.

Job classifications which are assigned market based pay grades shall be segregated and clearly identified in the Pay Plan.

The Personnel Board shall have exclusive authority to reassign job classes to and from market based pay grades as dictated by labor market factors, based upon recommendation by the Personnel Department.

For purposes of applying personnel rules governing admission to examinations, placement on lists of eligibles, certifications, appointments, promotions, transfers, and pay changes upon appointment, the original (non-market) pay grade assignment shall determine which rules are applicable for all job classes assigned to market pay grades. However, when determining the actual pay impact for the action involved, the assigned Market Based Pay Grades shall govern.

- (h) upon certification by the Personnel Director that grants funding the position require compensation above the minimum rate.

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

- (a) any employee whose rate of pay is below the minimum rate established for the appropriate class of work shall have his pay increased to the minimum rate;
- (b) any employee whose rate of pay is within the pay grade established for the appropriate class of work, shall retain that rate;
- (c) any employee whose rate of pay exceeds the maximum rate established for the appropriate class of work by not more than twenty (20) percent shall not be required to suffer a salary reduction, but shall be ineligible for any further pay increase(s) until such time as such increase(s) is permissible in accord with the provisions stipulated elsewhere in these Rules or

in the Pay Plan permitting pay above the maximum rate; or is permissible as a result of an adjustment to the pay structure which has the effect of increasing the maximum rate for the grade to which a class is assigned;

- (d) any employee whose rate of pay exceeds the maximum rate established for the appropriate class of work by more than twenty (20) percent shall be required to suffer a salary reduction to a rate equivalent to 120% of the maximum rate, and shall be ineligible for any further pay increase(s) until such time as such increase(s) is permissible in accord with the provisions stipulated elsewhere in these Rules or in the Pay Plan permitting pay above the maximum rate, or is permissible as a result of an adjustment to the pay structure which has the effect of increasing the maximum rate for the grade to which a class is assigned.
- (e) as an alternative to items (a) through (d) and with prior Board approval, the salary of an incumbent employee under this section may be set at any rate of pay within the pay grade established for the appropriate class of work provided the rate does not fall below the minimum rate or exceed the maximum rate by more than twenty (20) percent.

1.5 Whenever part-time service is rendered, the appropriate pay rate shall be determined by dividing the annual salary by the annual number of hours indicated for that class of work (i.e. 35 hour class: annual salary divided by 1820; 40 hour class: annual salary divided by 2080).

1.6 Whenever the Pay Plan is amended to set a higher pay grade for any class or classes of work, with the express approval of the Council, additional "across the board" pay increases may be granted to employees occupying positions in the class or classes affected to such extent as the Council may think desirable in order to maintain an equitable balance between employees; provided, however, that under no condition may an employee's salary be advanced beyond the maximum rate of pay fixed for his class of work, except in the case of a cost of living adjustment recommended by the Board and granted by the Council.

Section 2. PAY INCREASES

2.1 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.

An employee entering into or promoted within the classified Parish service at the prescribed minimum rate or at any authorized starting rate within the grade shall, subject to the availability of funds, be granted a full five (5) percent pay increase (not subject to maximum rate limitation) on the first day of the pay period immediately following satisfactory completion of the working test period in his current class of work. Thereafter, annually, if the initial pay raise was effective between the first and fifteenth day of the month (inclusive), the employee's pay raise eligibility date shall be the first day of that month; and, if the initial pay raise was effective between the sixteenth and last day of the month (inclusive), the employee's eligibility shall be the sixteenth of that month. In the case of any employee entering the service at a rate above the prescribed minimum, the initial pay raise may be deferred to a date twelve (12) months after employment; and in the case of any employee entering the service within six (6) months of (before or after) the implementation of a new higher pay grade for his class or position, the initial pay raise may be deferred to a date twelve (12) months after implementation of the new minimum rate.

A provisional employee may be granted a first pay increase not sooner than the first day of the pay period immediately following completion of six consecutive months of satisfactory service; and, thereafter, may be considered for subsequent pay raises on the same basis as are regular employees. If such employee is subsequently retained by regular appointment, with recognition of provisional service in accord with Rule VIII, Section 3, any and all pay raises granted during the provisional tenure shall be considered as having satisfied the regular requirements for mandatory pay increase after completion of probation, and for establishment of the permanent pay raise eligibility date.

Each employee shall be considered for an annual pay increase on his/her eligibility date. Subject to fund-wide or district-wide budgetary restrictions, an increase shall be granted, based on the employee's annual performance evaluation, as follows:

| ANNUAL PAY INCREASE | | |
|--|---|-----------------------------|
| ANNUAL PERFORMANCE EVALUATION | | % Increase in Annual Salary |
| Overall Performance Evaluation | Overall Evaluation Criteria | |
| Below Expectations | 1 or more BE ratings in any Universal or Supplemental Factor. | 0 |
| Needs Improvement | No BE ratings in any factor. NI rating in 4 or more Universal Performance Factors excluding UPF4, Safety and UPF6, Attendance or an NI rating in UPF4 or UPF6, or an Overall Score less than 1.57 when rounded to the nearest two (2) decimal places. | 0 |
| Meets Expectations | No BE ratings in any factor. ME or EE ratings in 4 or more Universal Factors including UPF4, Safety and UPF6, Attendance, and an Overall Score between 1.57 and 2.42 when rounded to the nearest two (2) decimal places. | 5 |
| Exceeds Expectations | No BE or NI ratings in any factor. If Supplemental Factor 4 is applicable, EE rating in SF4, and 3 or more EE ratings in Universal Factors or if Supplemental Factors other than SF4 are used, Overall Score between 2.43 and 2.66 when rounded to the nearest two (2) decimal places | 6 ½ |
| Substantially Exceeds Expectations | No BE or NI ratings in any factor. If Supplemental Factor 4 is applicable, EE rating in SF4, and 5 or more EE ratings in Universal Factors or if Supplemental Factors other than SF4 are used, Overall Score of 2.66 or higher when rounded to the nearest two (2) decimal places. | 8 |
| Meets Expectations or higher reevaluation after annual performance evaluation of Needs Improvement | See Above | 2 |

This pay increase shall be effective on the first day of the pay period immediately following the eligibility date or in the case of a pay increase upon reevaluation, on the first day of the pay period immediately following the effective date of the reevaluation.

The Pay Raise Eligibility Date shall not be changed by virtue of promotion, leave of absence, reinstatement or reemployment with permanent status, adoption of new pay grades, the granting of "additional" pay raises under Section 1.6 and 2.4 of this Rule, and/or other similar considerations.

Current permanent employees designated as cyclic workers under Rule XIII, Section 4.2(c) whose eligibility dates fall within an established period of furlough may be evaluated and granted any required pay increase effective the last full pay period prior to or the first full pay period subsequent to the period of furlough.

- 2.2 When an employee is not granted a pay increase as provided herein, he shall be furnished written reason or reasons for the failure to grant the increase and a copy of this statement shall be forwarded to the Personnel Department for inclusion in the employee's record. If an employee is not furnished written reason or reasons as required hereunder, or if the employee makes a specific allegation that he was denied a pay raise required under sub-section 2.1 above or that he was denied a pay raise due to racial, religious, political or other discrimination unrelated to merit factors of employment, s/he may file a written appeal to the Personnel Board 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.
- 2.3 In addition to the pay raises specifically required and/or provided for upon promotion, reallocation to a higher class, satisfactory completion of probation, and/or in conjunction with annual eligibility, as elsewhere set forth in these Rules, management shall have discretion to grant additional percentage pay raises in such amounts at such times as deemed fit, under the following conditions:
- (a) such raise(s) may not be granted to an employee while in probation except with the express prior approval of the Personnel Board;
 - (b) such raise(s) shall not increase an employee's salary to a rate in excess of the maximum rate permitted by the Pay Plan and the Rules;
 - (c) such raise(s) must be submitted through the proper administrative authorities, including the Finance Director, and received by the Personnel Department prior to the end of the effective pay period, must be accompanied by a written statement of justification, and must be approved by the authorities through whom submitted. Such raise(s) for employees reporting directly to the Parish Council or Parish President must be submitted through the proper administrative authorities, received by the Personnel Department prior to the end of the effective pay period, and must be approved by the authorities through whom submitted.
 - (d) such raise(s) shall not be granted to reward performance in circumvention of Section 2.1 and 2.2, above. In order to be eligible for such raise(s), there must be no outstanding evaluations due for the employee. Employees with a current rating of Needs Improvement or Below Expectations shall ineligible for such raise(s).
 - (f) such raise(s) may be granted for the purpose of retaining a valued employee who has received a documented offer of promotion by another Appointing Authority, provided that

should the employee accept a promotion to another department within three (3) years of the effective date of the increase, the employee's current salary shall be reduced by the dollar amount of this increase before computing the increase upon promotion. However, no reduction shall be made in the event that the retention increase is negated by subsequent pay plan revisions or other subsequent action and is not reinstated.

- 2.4 Longevity Pay increases above the normal maximum rate provided in the Pay Plan (except for across the board cost of living raises elsewhere permitted in these Rules) shall be used only as recognition of cumulative service to Jefferson Parish in the Pay Plan for the Classified Service or the Executive Pay Plan for Unclassified Employees. To be eligible for such raise(s), an employee must have at least seven (7) years of cumulative service, and the employee's pay rate shall not exceed the normal maximum rate by more than five (5) percent compounded for each three (3) years of service.

Cumulative service shall only include previous service to Jefferson Parish under the following conditions:

- (a) The employee was separated from the Parish for not more two (2) years;
 - (b) The reason for separation was not a result of dismissal, resignation in lieu of dismissal, or removal during a working test period;
 - (c) Previous service shall only be credited for completed whole years, partial years will not be credited;
 - (d) The previous service was not in transient or emergency capacity;
 - (e) Only the most recent previous service shall be counted (multiple separation from Jefferson Parish shall not be included); and,
 - (f) Prior service must have been for at least one (1) year.
- 2.5 When an employee with years of service in either the Pay Plan for Fire Personnel, the Executive Pay Plan for Unclassified Employees, or Judicial Compensation and Classification Plan transfers into the Classified Pay Plan, his years of service in the other Pay Plan, are credited to him only for the purpose of determining his entitlement to longevity pay raises above the normal maximum in the Classified Pay Plan.

Section 3. PAY REDUCTIONS

- 3.1 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 in no case may be less than the established minimum rate.
- 3.2 When an employee is demoted to a position in a class of work having a normal maximum salary rate which is lower than the employee's current pay rate, the employee's pay must be reduced to the normal maximum rate provided, unless eligibility for a longevity rate is established and approved by the Director.

Section 4. RED CIRCLE RATES

- 4.1 Individual pay rates that fall above the maximum rate established for the grade become red circle rates. Such red circle rates remain in effect until the grade for a position catches up with the rate; however, eligibility for a red circle rate is lost upon demotion or separation from Parish service. Individuals whose salary rates are red circled shall not be eligible for any other pay adjustments provided for in the rules, except in the case of a cost of living adjustment recommended by the Board and granted by the Council. Red circle rates are assigned under the conditions as outlined below:
- (a) when the classification to which a position is allocated is assigned to a lower grade;
 - (b) when an adjustment to the pay structure has the effect of lowering the maximum rate for the grade to which a job is assigned;
 - (c) upon granting of an end-of-probation pay increase under 2.1 above, which results in an employee's pay exceeding the maximum rate;
 - (d) as provided under 1.4(c) of this Rule.

Section 5. OVERTIME PAY

- 5.1 Based on the needs of the service, an employee may be required or authorized by appropriate supervisory authority to work at any time when he would not normally be scheduled for duty. Whenever such work is required or authorized, the employee shall be compensated for all such work by monetary payment as hereinafter set forth or, in lieu thereof, by compensatory time under the conditions set forth in the federal Fair Labor Standards Act. No overtime work whatever shall be performed without proper supervisory authority and/or approval.

Overtime pay provisions shall not routinely apply to classes of work designated as "E" (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 service, 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.

- 5.2 Compensation shall be paid at a straight time rate of pay for any and all work required and/or authorized in excess of thirty-five (35) and up to forty (40) hours in any one work week.

Overtime compensation shall be paid at a rate of one-and-one-half (1½) times the regular hourly compensation for any and all work required and/or authorized in excess of forty (40) hours in any one work week.

- 5.3 Absence from work by reason of Annual Leave, Sick Leave, Funeral Leave, Leave Without Pay, Civil Leave, holidays, Parental Leave, Donated Leave, Extraordinary Leave, Declared Emergency Leave, Non-Declared Emergency Leave, Military Leave With Pay, and use of compensatory time, 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.

- 5.4 Whenever an employee works on one of the holidays granted by Rule IX, Section 11, or on any part of such holiday, in addition to the regular holiday pay, the employee shall be paid for the time actually worked on the holiday; and, for overtime computation purposes, the regular holiday hours shall be added to the hours actually worked in the work week.
- 5.5 Weekly overtime pay shall be computed to the nearest quarter hour, i.e. employee time from 1 to 7 minutes will be rounded down, and thus not counted as hours worked, but employee time from 8 to 14 minutes will be rounded up and counted as a quarter hour of work time.
- 5.6 Non-exempt 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. However, whenever it is deemed justified, an Appointing Authority may authorize stand-by pay for exempt employees.

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.

When an employee is on leave of absence or uses compensatory time for part of a day, a full day, or more than one day during a given workweek and that employee was also placed on stand-by on the same day(s), the appointing authority shall make a determination of whether or not the employee was available for call-out during the assigned stand-by period. This determination must be made on a case by case basis considering the facts of each situation. If the absence was due to ongoing unavailability (e.g. extended illness, out of town vacation, etc.) which covered not only the regular scheduled working hours, but also, the period of stand-by, stand-by pay must be forfeited. If, however, the absence was the result of unavailability during the regularly scheduled working hours but the employee was available for call-out during non-working hours, he may be compensated accordingly.

Within the context of this rule, the terms "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 he is being placed on stand-by, and the notice shall include the specific stand-by period(s) required.

In the event that an emergency declared by the Parish President or other sudden occurrence necessitates an appointing authority placing an employee on stand-by under conditions which preclude the written notice required above, the employee may be verbally notified by the appointing authority or his designated representative. During a Declared Emergency all stand-by pay shall cease from the time the employee reports to work until such time of his release from duty. Post-release from duty, an employee may be placed on stand-by again at the direction of the appointing Authority (verbally or in writing). However, verbal notification shall not be used to place employees on routinely scheduled stand-by for emergency call-out or in other situations where written notice can be provided.

Also, an appointing authority may notify employees of certain conditions under which or certain

situations in which the employee shall contact his supervisor or other designated representative to receive instructions regarding stand-by.

An employee who is subject to call-out outside of normal working hours, but who is allowed complete discretion regarding his 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.

Non-exempt employees who are placed on stand-by, called out and report for work shall be guaranteed a minimum of two hours pay, but any pay which is not for work actually performed shall not be credited for overtime compensation purposes. Non-exempt employees who are not on stand-by but are called out and report for work shall be paid two hours pay, in addition to pay for actual hours worked which additional pay shall not be credited for overtime compensation purposes. Whenever it is deemed justified, an Appointing Authority may authorize such additional pay as outlined in this paragraph for exempt employees.

- 5.7 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.
- 5.8 Certain employees are employed to work in positions which involve an inflexible shift, i.e., positions which cannot enjoy paid holidays due to the nature of the operations involved. In lieu of paid holidays observed by other employees, these employees are paid one working day (as defined in Rule I) for each holiday or observed holiday worked. The employee shall only be entitled to receive holiday pay for either the actual holiday or observed holiday, but not both. If the inflexible shift employee is not scheduled to work on the holiday or observed holiday, the holiday shall be paid on the observed holiday. These employees must obtain permission to be absent on holidays which are scheduled work days by receiving approval from their supervisor or appointing authority. If the scheduled shift is longer than a working day (as defined in Rule I), then the employee must supplement the holiday pay with appropriate leave to cover the entirety of the shift. An inflexible shift employee scheduled to work on the holiday who does not show up for his schedule shift without obtaining approval shall be considered AWOL shall forfeit his holiday pay for the day, and be subject to further action by his appointing authority.

Inflexible shift workers who request permission to be absent because of illness or other medical reason on a holiday may be required by their appointing authority to provide evidence of inability to work on the holiday in the form of a statement by a licensed physician or other acceptable evidence indicating that the employee was unable to work due to illness or other medical reason. An employee who fails to provide the required evidence shall be considered AWOL for the holiday, shall forfeit his holiday pay for the day, and may be subject to further action by his appointing authority.

- 5.9 Certain employees may be designated as essential duty personnel and may be required to report to duty on their regular day(s) off or on the day(s) or partial days on which Parish departments are closed by direction of the Parish President during declared natural disasters or other declared emergencies. During a Declared Emergency, such essential duty personnel shall be paid in addition to pay for actual hours worked, under the following conditions:
 - A. On days when the essential duty employee would normally be scheduled to work, he shall

receive Declared Emergency Pay equivalent to actual hours worked. In cases where the essential duty employee works less than his normal daily base hours, then he shall receive Emergency Leave for the remainder of his normal daily base hours.

- B. On days when the essential duty employee would normally be scheduled as off, he shall receive Declared Emergency Pay equivalent to actual hours worked.
 - C. On days when the Parish President declares a partial day Declared Emergency, the following shall apply:
 - a. An essential duty employee working past the time of the declaration of the Declared Emergency who works at least his scheduled hours for that day shall receive Declared Emergency Pay equivalent to actual hours worked following the declaration of the Declared Emergency.
 - b. An essential duty employee working past the time of the declaration of the Declared Emergency who works less than his scheduled hours for that day (including regular time worked prior to the Declared Emergency), he shall receive Declared Emergency Pay equivalent to actual hours worked following the declaration of the Declared Emergency and Emergency Leave from the time he leaves through the end of his scheduled shift for that day.
 - D. Only actual hours worked shall be used in the computation of overtime pay. Declared Emergency Leave and Declared Emergency Pay hours shall be paid at a straight time rate of pay and not be counted as hours worked for overtime pay computations purposes.
 - E. This provision shall not apply when Parish departments, buildings or work locations are closed by the Parish President or delegated authority, due to non-declared local emergency events, or during declared natural disasters or other declared emergencies which occur on a holiday for which employees are compensated under sub-section 5.8, above.
 - F. An employee who works during a Declared Emergency and does not have appropriate supervisory authority approval to perform such work may be subject to discipline in accordance with Rule X.
- 5.10 (a) Non-working time that employees are required to remain on the Parish premises on stand-by (up to and including 24 hours per day) shall be considered time on duty for which employees shall be compensated on an hour-for-hour basis and which shall be considered as hours worked for overtime pay computation purposes. Such payments shall be made in lieu of stand-by pay provided for under sub-section 5.6 above.
- (b) As provided under the Fair Labor Standards Act (FLSA), where an employee is required to be on duty for 24 hours or more, the Parish and the employee may agree to exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than 8 hours from hours worked, provided adequate sleeping facilities are furnished by the Parish and the employee can usually enjoy an uninterrupted night's sleep. If sleeping period is more than 8 hours, only 8 hours can be credited and excluded. Where no expressed or implied agreement to the contrary is present, the 8 hours of sleeping time and meal periods constitute hours worked.

- 5.11 During times that employees are not required to and don't remain on the Parish premises while on stand-by, the normal provisions for stand-by pay shall apply.
- 5.12 During times that employees are not required to but voluntarily remain on the Parish premises while on stand-by, the normal provisions for stand-by pay shall apply and during such times, employees shall not be considered to be on duty for purposes of FLSA.
- 5.13 Rest periods of up to 20 minutes provided during working hours shall be considered as work time. Meal periods of 30 minutes or more during which employees are completely relieved of duty for the purpose of eating regular meals shall not be considered as work time.
- 5.14 Essential duty personnel whose responsibilities include the operation of drainage pump stations and those who have been trained to operate drainage pump stations may be required to report to and remain at a drainage pump station safe room during a natural disaster, hurricane, and/or other declared emergency. Such employees shall be paid triple-time their regular hourly rate for all time that they are required to remain at a drainage pump station safe room. This premium pay shall not be included in determining the employee's regular rate of pay, and shall be considered as payment in lieu of overtime pay provided elsewhere in these Rules and under the FLSA. Accordingly, when calculating normal (weekly) overtime hours, compensated at triple-time shall not be included in the calculation of normal overtime.
- 5.15 During times when certain employees are required to remain at a drainage pump station safe room during a natural disaster, hurricane, and/or other declared emergency, other essential duty personnel who have been activated during that time shall be paid time-and-one-half their regular hourly rate for all time that employees are required to remain at a drainage pump station safe room. This premium pay shall not be included in determining the employee's regular rate of pay, and shall be considered as payment in lieu of overtime pay provided elsewhere in these Rules and under the FLSA. Accordingly, when calculating normal (weekly) overtime hours compensated at triple-time shall not be included in the calculation of normal overtime.

Section 6. MAINTENANCE AND ALLOWANCE

- 6.1 Allowances provided in addition to cash salary shall be considered as part payment of the salary due the recipient under the salary plan for his class of position, and their cash value, as appraised by the Director, 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 7. RECIPROCAL RECOGNITION

- 7.1 When an employee with years of service in either the Pay Plan for Fire Personnel, the Executive Pay Plan for Unclassified Employees, or Judicial Compensation and Classification Plan moves into a classified position into the Classified Pay Plan in accordance with the provisions of the Personnel

Rules, his years of service in the other Pay Plan, are credited to him only for the purpose of determining his entitlement to longevity pay raises above the normal maximum in the Classified Pay Plan only if he has continuous service when moving between plans.

RULE V

RETIREMENT AND PENSION SYSTEM

- Section 1. The Parochial Employees' Retirement System of Louisiana and any other retirement system already established, and the rights and benefits of employees provided thereunder, are hereby recognized.
- Section 2. The Employees Retirement System of Jefferson Parish, Louisiana, and all the rights and benefits of employees and their beneficiaries provided thereunder as set forth in Ordinance No. 11027 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; all subject to the provisions of Section 4.03 F of the Law.

Section 2. APPOINTMENT OF EXAMINERS

- 2.1 For the purpose of assisting him 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 in his division from his regular duties for the time required for his work as an examiner. Officers and employees shall not be entitled to extra pay for their service as examiners, but shall be entitled to reimbursement for necessary 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 Admission to examinations held by and under the authority of the Department of Personnel shall not be restricted by reason of race, color, national origin, sex, religion, age, disability, or politics.

Applicants who are residents of Jefferson Parish shall be accorded preference over non-residents; and, to this end, the Personnel Department may require applicants to furnish acceptable evidence of residency. Non-resident applicants may be accepted subject to employment preference being given to residents. Residency preference may be waived only upon written request by the appointing authority and approval by the Personnel Board.

- 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 eligibles 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. Unless otherwise specified on the official announcement, such qualifications must be possessed by any applicant by the final filing date for each examination.
- 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 Department and by publishing a brief abstract of the notice in the official journal or journals of the Parish and in such other manner as he considers appropriate.

The Director may also advertise tests in newspaper and professional and trade publications, post notices thereof in schools and colleges, and employ any other methods of publicizing tests which he 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 he has applied;
- (2) because of character, reputation, criminal record, or employment history the Director deems unfit for employment in the class of work applied for;
- (3) is affected by any condition which would prevent the safe, efficient, and effective performance of the essential functions of a position of the class with or without reasonable accommodation that does not present an undue hardship;
- (4) tests positive on a post offer test for drugs or alcohol, refuses or fails to participate in the test or submits an adulterated specimen, as provided under the Drug and Alcohol Testing Program;
- (5) 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.
- (6) files an application within two years of dismissal or resigning his position after becoming subject to dismissal as provided for under Rule X of these rules provided that, at the time of the resignation, the appointing authority involved reported this matter to the Personnel Department with a copy mailed to the former employee including the specific reason(s) why dismissal was imminent.

B. Any of the conditions enumerated in A above which are found to be applicable to any employee in the classified service may result in the 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 offices of the Department of Personnel after this time shall be rejected.

Section 4. CONTINUOUS EXAMINATIONS

4.1 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. The Director, in arranging for and providing the means by which continuous examinations for a class of positions shall be held, may determine the length of time which must elapse before a candidate may reapply for an examination for which he failed to qualify as an eligible.

Section 5. RESULTS OF EXAMINATIONS

- 5.1 Open Lists. The order of names on an open list and the period for which an eligible's name shall remain on an open list shall be governed 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.
- At his discretion, the Director may permit the extension of the period during which papers may be examined, but in no event shall he permit the inspection of test papers between the time of announcement and the time of holding another test for a similar position.
- 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 PROMOTION LISTS AND EMPLOYMENT LISTS

- 6.1 On each promotion list of 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 promotion 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 The Director may cancel a list at any time for the good of the Classified Service, subject to review by the Personnel Board.
- 6.5 Combining Current Employment Lists With New Ones. Should an employment list be established for a class of positions for which an employment list of the same class currently exists, and if the currently existing list has not been in force at least six (6) months, the names on the current list shall precede those on the new list until the current list has been in force six (6) months. Thereafter, if by order of the Director the current list has been continued in force beyond the six-month minimum period as required by this rule, the names on the current and the new lists shall be merged on one list and arranged according to examination score. However, names from the current list shall be removed from the combined list at the time the current list is allowed to expire. Should the name of any individual appear on both the current and the new list, his standing on the combined list shall be

determined by the highest score obtained on either of the examinations. The Director may cancel a list at any time for the good of the Classified Service, subject to review by the Personnel Board.

- 6.6 Selective Certification Lists. Upon the request of an appointing authority or upon his own initiative, the Director may establish a list for a part of a class if, in his judgment, it is advisable for the good of the Parish service to certify to some positions in the class only eligibles who have qualifications of age, sex, residence, physical characteristics, training, experience, specialized knowledge, specialized manual skill, facility in the use of a foreign language, possession of a license, possession of paraphernalia, equipment or facilities, or other qualifications which are not required in all positions of the class.
- 6.7 Promotion Lists. The Director, in cooperation with appointing authorities, may establish promotion lists on a service-wide or a departmental-wide basis.

Section 7. POSTPONEMENT AND CANCELLATION OF TESTS

- 7.1 Should an insufficient number of qualified candidates apply for a test, the Director may postpone the final filing date and the date of tests, or cancel the tests or any of the parts thereof, and shall, in each such case, give suitable notice of the action to the 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 by operation of any of the following reasons:
- (1) Refusal of three (3) offers of appointment under conditions previously listed by the eligible as acceptable.
 - (2) Appointment through certification from such list to fill a permanent position.
 - (3) Appointment through certification from the eligible list for another class at the same or higher compensation. In such a case, at the request of the appointee, his name may be continued on, or restored to, any or all lists other than the one from which the appointment was made, for the remainder of the period of eligibility of such lists.
 - (4) Filing of a statement by the eligible that he is unwilling to accept appointment. Such statement of unwillingness may be restricted to a limited period of time, or to geographic locations, or to positions involving other conditions of employment. The name of the eligible shall then be treated as not available and shall be passed over in certification to fill the vacancy under the conditions specified as though such name did not appear on the list. Any eligible may renew his eligibility at any time during the life of the eligible list by filing a new statement as to the time, place, or other conditions under which he will accept appointment.
 - (5) Failure to respond within the specified time to any notice or inquiry of the Director or appointing authority, if satisfactory evidence is not furnished in justification of such failure.
 - (6) Failure to report for work after acceptance of appointment.

- (7) Expiration of the term of eligibility on an eligible list.
- (8) Notice by postal authorities of their inability to locate an eligible at his last known address.
- (9) Death of an eligible.
- (10) Loss of United States citizenship/nationality or loss of legal authorization to work within the United States.
- (11) Review of the eligibility of an eligible reveals that he lacks any of the qualifications prescribed as requirements for admission to the tests for the class for which he has applied, or is affected by any condition which would prevent the safe, efficient, and effective performance of the essential functions of a position of the class with or without reasonable accommodation that does not present an undue hardship, or has tested positive on a post offer test for drugs or alcohol, refused or failed to participate in the test or submitted an adulterated specimen, as provided under the Drug and Alcohol Testing Program, or is deemed by the Director to be unfit for employment in the class applied for by reason of character, reputation, criminal record, 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, or files an application within two (2) years of dismissal or resigning his position after becoming subject to dismissal as provided for under Rule X of these rules provided that, at the time of the resignation, the appointing authority involved reported this matter to the Personnel Department with a copy mailed to the former employee including the specific reason(s) why dismissal was imminent.

Section 9. NON-COMPETITIVE EXAMINATIONS

- 9.1 When he deems it impracticable to hold competitive examinations, the Director, with the approval of the Board, may hold non-competitive entrance and promotional examinations for positions in certain classes of work for which it is difficult to recruit applicants either because of the salary grades provided for the classes or because of a scarcity of applicants possessing the prescribed and required technical, professional, or other qualifications, or for any other valid reasons rendering it impracticable or undesirable to hold competitive examinations.

The Director, with the approval of the Board, shall list in the Book of Regulations 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 Board.

Section 10. DRUG AND ALCOHOL TESTING PROGRAM

In order to ensure a drug and alcohol free work place, the Parish shall require urine specimens and may require a breath sample from all prospective employees, in order to test for the presence of Prohibited Substances (defined below). The Parish shall also require urine specimens and/or breath samples from current employees under those conditions as set forth in this Section in order to test for the presence of Prohibited Substances.

The Department of Human Resource Management shall be responsible for the management of the Parish Drug and Alcohol Testing Program, and shall be responsible for Parish compliance with this Section as well as applicable state and federal laws regarding drug and alcohol testing programs.

The Department of Human Resource Management shall have the responsibility for adopting SAMHSA Guidelines (defined below) and Federal DOT Regulations (defined below), and any subsequent revisions/replacements of SAMHSA Guidelines and Federal DOT Regulations, for the purpose of management of the Parish Drug and Alcohol 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:

- (1) “Accident” means an unforeseen and unplanned event, incident or circumstance resulting in bodily injury that requires the attention of a physician, or that results in significant damage to property.
- (2) “Adulterated Specimen” means a urine Specimen containing a substance that is not a normal constituent or containing any endogenous substance at a concentration that is not a normal physiological concentration.
- (3) “Alcohol” refers to the intoxicating drug in fermented or distilled liquors, beverages, medicines, or any other substances containing alcohol.
- (4) “Aliquot” means a portion of a specimen used for testing.
- (5) “CAP-FUDT Certified Laboratory” means a laboratory certified for forensic urine drug testing by the College of American Pathologists.
- (6) “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 in the laboratory, and that upon receipt by 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 SAMHSA Guidelines regarding security and chain of custody.
- (7) “Collection Site” means a place designated by the Parish where individuals present themselves for the purpose of providing a Specimen or breath Sample to be analyzed for the presence of Prohibited Substances.
- (8) “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 or breath Sample provided by those individuals. A Collection Site Person shall have successfully completed training to carry out this function.
- (9) “Conditional Employment Agreement” means a written binding agreement entered into between the Parish and an employee as a condition of continued employment with Jefferson Parish under one (1) or more of the following circumstances:
 - (a) prior to re-employment with the Parish following a two (2) year absence for

violations of this Section, the Jefferson Parish Substance Use Policy, or Federal DOT Regulations; the applicant must be evaluated by a Substance Use Professional (SAP) designated by Jefferson Parish to determine eligibility for employment. The cost of this evaluation is the responsibility of the applicant.

- i) if re-employment occurs longer than five (5) years after the dismissal or resignation, the Department of Human Resource Management will determine whether a Conditional Employment Agreement is necessary based on the evaluation report of the Substance Use Professional.
 - (b) Self-referral to a substance abuse program or self-identification of a substance abuse problem by an employee who has never tested positive for Prohibited Substances while employed with the Parish but acknowledges a drug/alcohol problem;
 - (c) an employee's return to temporary duty pending the legal resolution or outcome of an arrest for the violation of any criminal drug or alcohol laws that occurs outside of the scope of the employee's Parish employment or workplace.
- (10) "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.
- (11) "Controlled Substance" means:
 - (a) Those substances whose production, dissemination or use is controlled by regulation or statute listed below, and as these provisions may be amended from time to time:
 - (i) Any chemical or its immediate precursor classified in Schedules I through V under the Federal Controlled Substances Act, 21 U.S.C. 811 to 812;
 - (ii) Any controlled substance as defined in the Federal Drug Abuse Prevention and Control Law or the Federal Drug Enforcement Administration's Schedule of Controlled Substances;
 - (iii) Any controlled substance analogue as defined in the Federal Drug Abuse Prevention and Control Law or the Federal Drug Enforcement Administration's Schedule of Controlled Substances;
 - (iv) Any controlled dangerous substance as defined in the Louisiana Uniform Controlled Dangerous Substances Law; and
 - (b) Narcotics, depressants, stimulants, hallucinogens, and cannabis; this list is a non-exclusive illustrative example of the types of substances classified as controlled substances. Also, legal drugs which are, distributed or intended to be used illegally may be considered controlled substances.
- (12) "Drug" means a substance:

- (a) Defined as a controlled substance;
- (b) Recognized as a pharmaceutical in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official Formulary, or in any supplement to any of them;
- (c) Intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;
- (d) Other than food or beverage, intended to affect the structure or any function of the body of humans or animals; or
- (e) Intended for use as a component of anything listed above in this definition.

This definition includes Controlled Substances, legally prescribed substances, and over the counter substances.

- (13) “Drug-related Paraphernalia” refers to any unauthorized material, equipment, or item used or designed for the use in testing, packaging, storing, injecting, ingesting, smoking, inhaling, or otherwise introducing a drug into the human body.
- (14) “Employee” means any person employed by the Parish under the provisions of Section 4.03 of the Parish Charter and these Personnel Rules adopted there under.
- (15) “Federal DOT Regulations” means the Department of Transportation Procedures for Transportation Workplace Drug and Alcohol Testing Programs as published in 49 C.F.R. part 40 and any handbooks, materials or publications promulgated and distributed by DOT for Workplace Drug and Alcohol Testing Programs.
- (16) “Initial Test” or “Screening Test” means an immunoassay screen or equivalent to eliminate negative urine specimens from further consideration.
- (17) “Medical Review Officer” means a licensed physician responsible for receiving laboratory results generated by the Parish Drug and Alcohol 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 his medical history and any other relevant biomedical information.
- (18) “Medication” means any drug or pharmaceutical that the employee has legally obtained either over the counter, or by a valid prescription or order, from a practitioner, as provided in the Louisiana Uniform Controlled Dangerous Substances Law, and that is used or consumed by the person to whom it is legally prescribed in a manner consistent with such prescription or order or in accordance with the recommended dosage.
 - (a) “Approved Medication” means those drugs or pharmaceuticals identified by the Department of Human Resource Management and/or included in the Jefferson Parish Substance Use Policy as amended from time to time, that do not have the potential to adversely affect the safe and efficient performance of the employees’ duties while working or reporting to work.

- (b) “Qualified Medication” means any drug or pharmaceutical:
 - (i) identified by the Department of Human Resource Management and/or included in the Jefferson Parish Substance Use Policy, which has the potential of affecting the employee’s ability to safely or efficiently perform his or her job duties; and
 - (ii) that requires medical authorization, before the employee can report to duty, in accordance with the procedures set forth in the Jefferson Parish Substance Use Policy and Subsection 10.4 of this Section.

- (19) “Monitor” means repeated drug and/or alcohol testing of an individual pursuant to a Conditional Employment Agreement.

- (20) “Parish Designated Physician” means a licensed physician (medical doctor or doctor of osteopathy) designated by the Parish to perform physical exams or medical evaluations of Parish employees to determine an employee’s ability to perform the duties of Parish employment, or otherwise has appropriate medical training to interpret and evaluate an employee’s ability to perform the duties of Parish employment and who has knowledge of substance abuse disorders and is capable of reviewing laboratory results generated by the Parish Drug and Alcohol Testing Program.

- (21) “Prohibited Substances” means:
 - (a) alcohol;
 - (b) marijuana, cocaine, opioids, 6-acetylmorphine, amphetamines, methamphetamines, oxycodone, oxymorphone, hydrocodone, hydromorphone, MDMA, MDA, phencyclidine;
 - (c) any Drugs or pharmaceuticals which cannot be legally obtained;
 - (d) any Drugs or pharmaceuticals which have not been legally obtained;
 - (e) any Drug or pharmaceutical which is legally obtained but is used or consumed for a purpose or in a manner other than that for which it is prescribed or intended or is used or consumed by a person other than the person for whom it has been prescribed.

- (22) “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 test and, when appropriate, a pre-employment breath test.

- (23) “Reasonable Suspicion” means a well-founded belief based on specific or observable facts and logical inferences drawn from those facts, that an employee is under the influence of, or impaired to any degree by, drugs or alcohol.

- (24) “Safety or Security Sensitive Position” means a position of employment characterized by critical safety and/or security responsibilities and duties of such a nature that failure to properly perform those responsibilities and duties could compromise Parish, state or national security and/or endanger the health or safety of the employee, other employees or the public. When identifying Safety or Security Sensitive Positions, the Parish shall examine the nature of the equipment, the nature of the material and the work of the employee and consider the impact of these factors on the safety of employee, others and property; and, the security of the Parish, state and nation, the public, and confidential/security protected data and records.
- (25) “SAMHSA” means the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.
- (26) “SAMHSA Certified Laboratory” means a laboratory certified for forensic urine drug testing by SAMHSA.
- (27) “SAMHSA Guidelines” means the SAMHSA Mandatory Guidelines for Federal Workplace Drug Testing Programs as published in the Federal Register Volume 59, No. 110 on June 9, 1994 and any revised guidelines issued by the Department of Health and Human Services.
- (28) Self-referral” means an employee, who has never tested positive for a prohibited substance while employed by the Parish but acknowledges a drug/alcohol problem, identifies himself/herself voluntarily as requiring assistance in dealing with alcohol or drug dependency.
- (29) “Specimen” or “Sample” means urine specimen for Drug testing and breath specimen for alcohol testing. Blood, saliva or hair may be used as a Specimen for Drug and/or alcohol testing where appropriate and authorized by State law.

10.2 Applicability

- (A) This Section shall apply to all testing of prospective and current employees in the Jefferson Parish Classified Service for the presence of Prohibited Substances under those conditions and circumstances as set forth in this Section.
- (B) Nothing in this Section shall preclude testing to detect an employee’s use or consumption of, or working while under the influence of other Drugs, Controlled Substances and alcohol, when such testing is performed under conditions outlined in sub-section 10.3 (B) and (C). A test result indicating an alcohol level of .04 grams or more per 100 milliliters of blood, or per 210 liters of breath shall result in dismissal under Rule X of the Personnel Rules. The Appointing Authority involved shall dismiss the employee, provided that such dismissal shall be taken in accordance with Rule X of the Jefferson Parish Personnel Rules, upon notification of any of the following:
 - (i) a confirmed positive result from a urinalysis or breath test,
 - (ii) the refusal to participate in the Drug and Alcohol Testing Program,
 - (iii) the submission of an Adulterated Specimen,

- (iv) failure to provide an adequate Specimen in the allotted time (unsupported by a valid medical explanation and in accordance with SAMHSA Guidelines), or
 - (v) a confirmed positive result in violation of a Conditional Employment Agreement.
- (C) Alcohol and Drug testing and related requirements mandated by any preemptive Federal or State law, including but not limited to Federal DOT Regulations as amended, shall be performed in accordance with such laws, in lieu of testing and related procedures specifically required under this section, provided that provisions of this section that are not inconsistent with or preempted by such laws and regulations shall apply.
- (D) Any provision of this Section held to be prohibited by Federal Law or of the laws of the state of Louisiana shall be ineffective to the extent of such prohibition without invalidating the remaining provisions of this Section.
- (E) Any of the following shall result in dismissal under Rule X of the Jefferson Parish Personnel Rules:
- (i) a confirmed positive result from a urinalysis for Drugs;
 - (ii) a post-accident, random, or reasonable suspicion alcohol test result indicating an alcohol level of .04 grams or more per 100 milliliters of blood, or per 210 liters of breath;
 - (iii) the refusal to participate in the Drug and Alcohol Testing Program;
 - (iv) submission of an Adulterated Specimen;
 - (v) failure to provide an adequate Specimen in the allotted time (unsupported by a valid medical explanation, and in accordance with SAMHSA Guidelines);
 - (vi) violation of a Conditional Employment Agreement; or
 - (vii) violation of applicable Federal DOT Regulations under 10.2, (C) of this Section.

The Appointing Authority, upon notification of any of (i) through (vii) above shall dismiss the employee, provided that such dismissal shall be taken in accordance with Rule X of the Jefferson Parish Personnel Rules.

10.3 Drug and Alcohol Testing

- (A) Each offer of Parish employment shall be conditioned upon the passing of a Drug test and if required, an alcohol test, which shall be administered as part of the pre-employment physical examination, and which shall test for the presence of Prohibited Substances.

The Parish shall require a urine Specimen and may require a breath Sample, from all prospective employees, and shall test all Specimens/Samples for the presence of Prohibited Substances.

The Parish shall not hire any applicant who fails a pre-employment test by testing positive for the presence of Prohibited Substances.

- (B) As a condition of continued employment, the Parish shall require a urine Specimen and/or a breath Sample from an employee and shall test for the presence of Prohibited Substances:
 - 1. if during the course and scope of his employment the employee is involved in an Accident;
 - 2. under other circumstances which result in reasonable suspicion that Prohibited Substances are being used; or,
 - 3. as part of a monitoring program to assure compliance with the terms of a Conditional Employment Agreement.
- (C) The Parish shall implement a program of random drug and alcohol testing of employees who occupy Safety or Security Sensitive Positions.
- (D) Any of the following shall result in dismissal under Rule X of the Jefferson Parish Personnel Rules:
 - (i) a confirmed positive result from a urinalysis for Drugs;
 - (ii) a post-accident, random or reasonable suspicion alcohol test result indicating an alcohol level of .04 grams or more per 100 milliliters of blood or per 210 liters of breath;
 - (iii) the refusal to participate in the Drug and Alcohol Testing Program;
 - (iv) submission of an Adulterated Specimen;
 - (v) failure to provide an adequate Specimen in the allotted time (unsupported by a valid medical explanation and in accordance with SAMHSA Guidelines);
 - (vi) violation of a Conditional Employment Agreement; or
 - (vii) violation of applicable Federal DOT Regulations under 10.2 (C) of this Section.

The Appointing Authority involved, upon notification of any of (i) through (vii) shall dismiss the employee, provided that such dismissal shall be taken in accordance with Rule X of the Jefferson Parish Personnel Rules.

10.4 Medications

- (A) Prescription Medications:

An employee in a Safety or Security Sensitive Position is not permitted to report to duty:

 - (i) with any detectable quantity of a Prohibited Substance in the employee's system; or

- (ii) while taking any prescription medication that may adversely affect the employee's safe, productive or efficient work performance unless and until all of the following conditions have been met:
1. the employee's physician must complete a Parish form certifying that the employee can satisfactorily and safely perform his job duties while taking a prescription medication ("Employee Physician Certification"). The employee shall provide the completed Employee Physician Certification to the Parish Designated Physician;
 2. the Parish Designated Physician shall review the Employee Physician Certification and shall concur by written authorization ("Prescription Medication Authorization") that the employee may report to duty while taking a prescription medication. The Parish Designated Physician shall provide the Prescription Medication Authorization to the Department of Human Resources and the Appointing Authority before the employee is allowed to report to duty;
 3. When an employee is authorized to report to duty and to work while taking a prescription medication, the employee shall be authorized to consume such medication only as prescribed on the prescription label instructions;

The Parish may require any employee to provide the original prescription container with the employee's name, physician's name and prescription number permanently affixed on the container label or any other evidence of the prescription medication as required.

(B) Over the Counter Medications:

An employee in a Safety or Security Sensitive Position is not permitted to report to duty while taking any over the counter medication that may adversely affect the employee's safe, productive or efficient work performance, unless and until all of the following conditions have been met:

1. the Parish Designated Physician shall certify that the employee can safely and satisfactorily perform his job duties while taking an over the counter medication ("Parish Physician Certification");
2. the Parish Designated Physician, upon certification that the employee may report to duty while taking an over the counter medication, shall provide written authorization ("OTC Medication Authorization") to the Department of Human Resources and the Appointing Authority before the employee is allowed to report to duty;
3. When an employee is authorized to report to duty and to work while taking an over the counter medication, the employee is authorized to consume such medication only as directed on the label or medication instructions or as directed by the employee's physician (the Parish may require written evidence of such directions from the employee's physician).

(C) An employee in a Safety or Security Sensitive Position is prohibited from reporting to duty while under the influence of a prescription or over the counter medication without complying

with the procedural requirements set forth in 10.4 (A) (1-3) and/or 10.4 (B) (1-3), of this Section notwithstanding that the medication is being taken or used in a manner consistent with a valid prescription or in accordance with the recommended dosage.

- (D) If an employee in a Safety or Security Sensitive Position reports to duty with any detectable quantity of a Prohibited Substance in the employee's system, or under the influence of any prescription medication or over the counter medication that may adversely affect the employee's safe, productive or efficient work performance, and fails to obtain the proper medical authorization from the Parish's designated physician, as specified in 10.4 of this Section, he shall be subject to disciplinary action, up to and including termination.

Any employee who is disciplined under Subsection 10.4 of this Section may file a written appeal to the Personnel Board in accordance with the conditions outlined in Rule II, Section 4 and Section 6 of these Rules.

10.5 Use of certified laboratories for Drug testing of Specimens collected.

All Drug testing shall be performed in SAMHSA-certified or CAP-FUDT-certified laboratories.

Drug testing as provided in this Section shall be performed in compliance with the SAMHSA Guidelines, where applicable. The cutoff limits for Drug testing shall be in accordance with SAMHSA Guidelines, where applicable.

The cut off limits for testing of Drugs not tested for under SAMHSA shall be in accordance with those generally accepted and recognized standards as set forth by SAMHSA –certified or CAP-FUDT-certified laboratories.

10.6 Collection of urine Specimens

All urine Specimens for Drug testing shall be collected, stored, and transported in compliance with the SAMHSA 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:

- (1) There is reason to believe that the individual may alter or substitute the Specimen to be provided;
- (2) The individual has provided a urine Specimen that falls outside the acceptable temperature range as listed in the SAMHSA Guidelines;
- (3) 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;
- (4) The Collection Site Person observes conduct indicating an attempt to substitute or adulterate the Specimen;
- (5) The individual has previously been determined to have a urine Specimen positive for one or more Prohibited Substances the testing for which is covered by this Section, and the

individual is being tested for the purpose of follow-up testing upon or after return to service;
or

- (6) The testing is post-accident or reasonable suspicion/cause testing.

A designated employee of the Department of Human Resource Management 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 Specimens and/or Samples collected for Drug testing shall be packaged, sealed, labeled, and transported with the proper Chain of Custody procedures for analysis to a SAMHSA-certified or CAP-FUDT-certified laboratory in strict compliance with SAMHSA Guidelines.

10.7 Initial Test and Confirmatory Test required

Drug testing shall, at least, consist of an Initial Test as provided in the SAMHSA guidelines. All specimens identified as positive on the initial test shall be confirmed using a Confirmatory Test as provided in the SAMHSA Guidelines.

10.8 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 SAMHSA 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 Resource Management in compliance with the SAMHSA Guidelines. Negative results need not be reviewed by the Parish Medical Review Officer, but shall be reported to the Department of Human Resource Management.

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 SAMHSA Guidelines before making a final decision to verify a positive test result or report an adulteration.

10.9 Refusal or failure to participate; adulteration of Specimen

Any prospective or current employee who refuses or fails to participate in the pre-employment testing procedure for Prohibited Substances under sub-section 10.2 (C), or 10.3 (A) at the prescribed time and place, shall be considered to have failed the test.

Any prospective or current employee found to have submitted an Adulterated Specimen as verified

by the Parish Medical Review Officer shall be considered to have failed the test.

Any employee who refuses to participate in the post-employment alcohol or Drug testing procedures provided for under sub-section 10.2 (C), or 10.3 (B) - (C) at the prescribed time and place, shall be considered to have failed the test.

Any employee, who fails to provide an adequate Specimen in the allotted time (unsupported by a valid medical explanation, and in accordance with SAMHSA Guidelines), shall be considered to have failed the test.

10.10 Reporting results to Personnel Director; removal of names of eligible candidates from certifications and eligible lists; disqualification for future employment eligibility.

(A) The Director shall be notified of any of the following results or circumstances applicable to any prospective or current employee:

- (i) a confirmed positive result from a urinalysis for Drugs;
- (ii) a post-accident, random or reasonable suspicion alcohol test indicating an alcohol level of .04 grams or more per 100 milliliters of blood, or per 210 liters of breath;
- (iii) a refusal to participate in the Drug and Alcohol Testing Program;
- (iv) submission of an Adulterated Specimen;
- (v) failure to provide an adequate specimen in the allotted time (unsupported by valid medical explanation and in accordance with SAMHSA Guidelines);
- (vi) a violation of a Conditional Employment Agreement; or
- (vii) violation of applicable Federal DOT Regulations under 10.2 (C) of this Section. Test results and submissions of Adulterated Specimens shall be reported via a copy of the Medical Review Officer's report.

(B) The Director shall cause the name of the eligible candidate to be removed from all current certifications and from all employment lists upon receipt of any of the following:

- (i) a confirmed positive result from a urinalysis for Drugs;
- (ii) a post-accident, random, or reasonable suspicion alcohol test result indicating an alcohol level of .04 grams or more per 100 milliliters of blood or per 210 liters of breath;
- (iii) a refusal to participate in the Drug and Alcohol Testing Program;
- (iv) submission of an Adulterated Specimen;
- (v) failure to provide an adequate Specimen in the allotted time (unsupported by valid medical explanation, and in accordance with SAMHSA Guidelines);

- (vi) violation of a Conditional Employment Agreement; or
- (vii) violation of applicable Federal DOT Regulations under 10.2 (C) of this Section.

An eligible candidate who refuses or fails to participate in the Drug and Alcohol testing procedures provided for under sub-section 10.3 (A)-(C), or subsection 10.2 (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 provided as justification for such refusal or failure.

- (C) Subject to the provisions of the Americans With Disabilities Act, persons dismissed or removed from employment list(s) under this Section shall be ineligible for Parish employment for at least two (2) years. The Director shall reject any application for employment submitted during the two (2) year period following dismissal or removal from the employment list(s).

10.11 Resignations

- (A) When an employee becomes subject to dismissal as provided for under sub-section 10.3 (D) or 10.2 (E), and before such provisions are effected, the employee resigns his position, 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 or alcohol 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 or Breath Alcohol Technician's report.

10.12 Rights of the prospective employee and employee

- (A) Working test and regular employees who are adversely affected under this Section shall have the right of appeal to the Personnel Board as provided elsewhere in these Rules.
- (B) Any prospective employee, working test, or regular employee, confirmed positive, upon his written request, shall have the right of access within seven (7) work days to records relating to his Drug and/or alcohol 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 Conditional Employment Agreement)."

10.13 Responsibilities of the Parish

- (A) The Department of Human Resource Management shall develop and promulgate to all Parish

Appointing Authorities and employees, a written Substance Use Policy which shall comply with the provisions of this Section. No oral modification of the terms of the written policy shall be valid. Upon approval by Parish Council resolution, the Substance Use Policy shall have the full effect of this Ordinance; however this Ordinance shall not be modified without prior Personnel Board approval as required under Section 4.03. Personnel Administration, of the Jefferson Parish Home Rule Charter.

- (B) As provided by La. R.S. 49:1001 *et seq.*, all information, interviews, reports, statements, memoranda, or test results received by the Parish through its Drug and Alcohol 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 and Alcohol Testing Program shall maintain and use Drug and alcohol testing results with the highest regard to the individual's privacy.
- (D) An individual's Drug and alcohol test results received by the Director shall be treated as confidential records under Personnel Rule XI, Section 5.1, (b) and (c), and shall be released only to the individual or his legally authorized representative, except as provided in subsection 10.13(B), above.

10.14 Defense of Appeals

The Department of Human Resource Management shall be a party to all appeals arising from the Parish Drug and Alcohol Testing Program; and, shall be responsible for defense of all appeals arising from the administration of the Parish Drug and Alcohol Testing Program, and the results thereof, as opposed to their application.

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 shall be given as follows: (1) preferred reemployment lists, (2) promotion lists, (3) reemployment lists, (4) 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 Transfers are subject to the following:

- (a) 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, subject to (d) and (e) below, on recommendation of the appointing authority and approval by the Director;
- (b) with the prior approval of the Director, subject to (d) and (e) below, 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 he is determined to be a qualified individual with a disability, as a reasonable accommodation required by the Americans With Disabilities Act, provided that such transfer does not create an undue hardship on the department where the vacancy exists;
- (c) with the prior approval of the Director, subject to (d) and (e) below, 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 he is deemed qualified and able to perform, consistent with the recommendations of a treating physician, if, as a result of a work related injury, the employee is permanently disabled from performing his current position;
- (d) no employee shall be transferred from a position in one organization unit to a position in another organization unit without the consent of the appointing authority of both units concerned;
- (e) no employee shall be transferred from a position in one class to a position in another class having a higher maximum salary;
- (f) 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 he considers 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, he 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 five available candidates on an existing list for the class, or of any persons who demonstrates to the satisfaction of the Director that he possesses, in sufficient degree to have a good chance of passing the examination, the special qualifications on the basis of which the selective certification procedure 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 five 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.

If five 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 five 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 five 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(s) to consider at least five 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 five 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 five 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 Except as provided under Section 3.9 of this Rule, the eligibles certified shall be the highest ranking eligibles willing to accept employment, ranking in the following order: (1) the eligibles on a preferred re-employment list; (2) those on a promotional employment list; (3) those on a re-employment 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 five eligibles. Names shall be certified from each list in the order of their rank on that list.

Within twenty (20) working days after the eligibles are certified, the appointing authority shall appoint one of the eligibles to each vacancy he is to fill. 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 five (5) eligibles, the names of all eligibles on the appropriate lists who are willing to accept appointment shall be certified.

When fewer than five (5) names are certified to fill a vacancy, the appointing authority may make his appointment from the names certified. If he does not wish to make an appointment from the names certified, the Director may authorize him to make a provisional appointment.

- 3.4 If the name of an eligible on an eligibility list has been certified to an Appointing Authority in connection with five (5) separate appointments he has made from the register, he may submit a written request to the Director to omit the name of such eligible from any subsequent certification to himself from the same register.

The name of such eligible shall not thereafter be certified to him from that register for future vacancies in that class of positions.

- 3.5 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 appropriate 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.

- 3.6 Should a promotion list and a re-employment list exist simultaneously, both resulting from an identical examination, certification of eligibles from the lists to fill a vacancy in the classified service shall be made in the order of the grades on the original examination for the position.
- 3.7 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 permanent vacancies in the class or classes of positions for which they are eligible, until such time as: (1) they are appointed to fill permanent vacancies; or (2) their eligibility on the register or registers expires; or (3) the factors affecting the conditional or temporary nature of their appointment are removed.
- 3.8 The Director may establish a range of certifiable scores for certain jobs, and without issuing a certificate, permit competitive employment of applicants who have attained a score within that range.
- 3.9 If there are sufficient qualified employees in the Classified Service, whose names appear on a list of eligibles prepared from an entrance examination, the Director may, in his discretion, utilize the names of such eligibles in lieu of conducting a competitive promotional examination. When a promotion list does not exist or is insufficient for a full certification of eligibles, upon request by an appointing authority, the Director may, in his discretion, prepare or supplement a promotional certification from an original entrance employment list by selectively certifying from that list only the names of eligibles who are Parish employees with permanent status in a lower classification. The Director shall not include in any promotional certification the name of an employee having a current Below Expectations Service Rating. The appointing authority's request shall be submitted to the Personnel Department with his request to fill the vacant position involved.

When a promotion list and an entrance list exist as a result of an examination announced on a promotional and original entrance basis, upon request by an appointing authority, the Director may, in his discretion, rank eligibles from both lists together, according to their score on the examination, and certify the names of eligibles as provided under Section 3.1, above. However, when preparing such certification, the Director shall first certify eligibles from a preferred re-employment list, and subject to the provisions of Section 3.6, shall certify eligibles from a re-employment list prior to certifying eligibles from outside the Parish service. The appointing authority's request shall be submitted to the Personnel Department with his request to fill the vacant position involved and shall specify his reasons why it is in the best interest of his agency that eligibles be certified for consideration without regard to prior employment in the classified service.

Section 4. REINSTATEMENT AND RE-EMPLOYMENT

- 4.1 Re-employment 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 permanent status in accordance with the Rules in the class of positions in which employed when separated. Such names shall be ranked on the re-employment 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.

Former employees who have retired from Parish service may be reinstated or certified from a re-

employment list subject to provisions of these Rules provided that the retiree is advised that reinstatement or re-employment might jeopardize retirement benefits and/or obligate the return of monies previously paid, and referred to the Parish retirement office or retirement system(s) for further information in this regard, which advice and referral shall be in writing.

- 4.2 The name of a regular employee who has been laid off shall be placed automatically on the appropriate preferred re-employment list for the class of positions he occupied. His 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 his reinstatement or re-employment is effected within the department or organization unit from which he was separated, or until his period of eligibility shall have lapsed, his name shall be certified on a service-wide basis to vacancies in that class of positions.
- 4.3 Preferred re-employment lists shall precede general re-employment 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 A regular employee who has resigned from his position, if he submits a written request to the Director within one (1) year from the date of resignation, shall have his name placed on an appropriate re-employment list. The employee's name shall remain on the list until a date two (2) years from his date of resignation, unless removed sooner under any of the provisions of Rule VI, Section 8.
- 4.5 The name of a regular or probationary employee returning from military leave and placed on a re-employment register in accordance with Rule IX, Section 9.3, shall remain thereon for a period of five (5) years, unless removed sooner under any of the provisions of Rule VI, Section 8.
- 4.6 A former regular or probationary employee who resigns or is laid off 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 former status, at the option of the appointing authority, to his former position or to any other position to which the employee may have been assigned, transferred, reallocated, or demoted if the resignation has not occurred, if a vacancy exists therein.

An employee who is separated for inefficiency, delinquency, or misconduct, shall be ineligible for reinstatement within two (2) years from such separation. When an employee becomes subject to dismissal as provided for under Rule X of these rules, and before such provisions are effected, the employee resigns his position, such resignation shall be treated as a dismissal for purposes of this sub-section, provided that, at the time of the resignation, the appointing authority involved reported this matter to the Personnel Department with a copy mailed to the former employee including the specific reason(s) why dismissal was imminent.

Following two (2) years from separation, an employee who has been separated for inefficiency, delinquency, or misconduct, may be reinstated with probationary status to a position of the same class or to any other class to which the employee may have been assigned, transferred, reallocated, or demoted, upon written recommendation by the appointing authority and prior approval of the Director, based upon an overall acceptable work and personal history.

- 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 his former position subject to the following:

- (1) A regular employee who is promoted from a position in one organization unit to a position of a higher class in another organization unit and who subsequently is removed during his working test period, or while serving provisionally or on a conditional basis, shall be reinstated in his former position in the organization unit from which promoted if a vacancy exists therein or if the present incumbent is on promotional leave of absence as provided for in Section 4.7 (2), below; or shall be reinstated in any other vacant position in the same class in the organization from which promoted; or shall be reinstated to any other vacant position in the organization unit to which the employee may have been assigned, or transferred from his former position; provided he 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 his name on a preferred re-employment list for the class of positions from which he was promoted.
- (2) Whenever a regular employee is promoted to a higher class within the same organization unit, he shall be granted promotional leave of absence from the position of the lower class until he acquires full civil service status in the higher position, and until he acquires such status the appointing authority may fill his position only by conditional appointment. Should the employee be required to vacate the position to which promoted, he shall be reinstated to his 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.

Section 5. CONDITIONAL AND TEMPORARY APPOINTMENTS

- 5.1 When a position is temporarily vacated because the incumbent is on an authorized leave of absence continuously for more than three (3) months, and the appointing authority desires to fill the position for the duration of the leave, he must do so by making a conditional appointment 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, he shall vacate the position when the employee on leave of absence returns. If the employee was appointed on a conditional basis by demotion or transfer, he shall be reinstated in his former position when the employee on leave of absence returns.

If the employee was appointed on a conditional basis through certification from an employment list, he shall retain all rights he may have acquired by virtue of his service under the conditional appointment, including, if he has completed his working test period, the right to have his name placed on a re-employment list, or, if he has not completed his working test period, the right to have his name replaced on the employment list from which his name was certified for conditional appointment if the list exists. He shall also be subject to all other provisions of these Rules not inconsistent with this paragraph.

- 5.2 Limited Terms. Whenever the services of an extra employee are needed in any position in the classified service for a limited period of time, in the discretion of the Director, the names of eligibles on the appropriate list who are willing to accept appointment may be certified. In each case of acceptance of appointment, such appointment shall become effective as of the approved date and the vacancy shall be considered filled.

5.3 Temporary appointments to positions in the classified service may be made for short periods without compliance with provisions of this Part requiring certification as follows:

- (1) **Provisional Appointments.** When a vacancy is to be filled in a position of a class for which there are less than five (5) 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 three (3) years, the Director shall make a report to the Board which shall include: the efforts made by the Personnel Department to recruit applicants, a statement from the appointing authority of his 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 permanent status. Based upon the information furnished, the Board shall either order the appointment extended, or grant permanent status to the incumbent employee.

- (2) **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 he deems qualified to serve for the period required.

A transient appointment of longer duration may be made only with the prior approval of the Personnel Board. In the event of extenuating circumstances that would prevent the Personnel Board from granting approval prior to the end of the initial six (6) month period, the Director may grant the extension subject to the review and approval of the Personnel Board. In no case may a transient appointment last longer than one (1) year except as outlined in (a) and (b) below.

- (a) Regular employees appointed to a transient position shall retain all benefits and permanent status as a classified employee. Such regular employees shall retain rights to his former position from which he came. His former position shall not be filled on permanent basis. Following the conclusion of the transient appointment, the regular employee shall be reinstated to his former position or, at the request of the appointing authority and approval of the Director, to any other position in the same class. In the event of a declared natural disaster or other declared emergency, such appointments may be extended longer than one (1) year with prior approval by the Personnel Board. In the event of extenuating circumstances that would prevent the Personnel Board from granting approval prior to the end of the initial one (1) year period, the Director may grant the extension subject to the review and approval of the Personnel Board.

- i. Regular employees appointed to transient positions in an equal or lower pay grade than his current classification shall be paid at his current rate of pay

except when the employee's salary is above the normal maximum for the pay grade associated with the transient position. When an employee is appointed to a transient position with a pay grade lower than his former position, the employee's pay must be reduced to the normal maximum rate provided unless eligibility for a longevity rate is established and approved by the Director.

- ii. Regular employees appointed to transient positions in a higher pay grade than his current classification shall be paid at the minimum rate for the classification or 5% above his current salary, whichever is greater. Upon returning to his former position, the employee's salary shall automatically return to his former rate subject to upward adjustments due to annual eligibility increases.
 - iii. No time served in a transient position by a regular employee shall be credited to any working test period for any future appointments to positions within the same classification.
- (b) Working test period employees appointed to a transient position shall retain all benefits and status as a working test period classified employee. Such working test period employees shall retain rights to his former position from which he came. His former position shall not be filled on permanent basis. Following the conclusion of the transient appointment, the working test period employee shall be reinstated to his former position or, at the request of the appointing authority and approval of the Director, to any other position in the same class. In the event of a declared natural disaster or other declared emergency, such appointments may be extended longer than one (1) year with prior approval by the Personnel Board. In the event of extenuating circumstances that would prevent the Personnel Board from granting approval prior to the end of the initial one (1) year period, the Director may grant the extension subject to the review and approval of the Personnel Board.
- i. A working test period employee appointed to a transient position within the same class shall be paid at his current rate of pay for which he is serving a working test period. He may be credited time served within the transient position towards his six (6) month working test period and/or establishment of an eligibility date. Such request for credit shall be made by the appointing authority and approved by the Director. If such credit is requested and approved, then those working test period employees establishing an eligibility date may be considered for subsequent pay raises on the same basis as are regular employees. Upon returning to his former position, any and all pay raises granted during the transient period shall be considered as having satisfied the regular requirements for mandatory pay increase after completion of probation, for establishment of the permanent pay raise eligibility date, and/or for establishment of permanent status in that classification.
 - ii. A working test period employee that has not established an eligibility date and is appointed to a transient position within a different class from which he is serving a working test period may be credited time served within the transient position towards his six (6) month working test period following

completion of six (6) consecutive months of satisfactory service within the transient position for the purposes of establishing an eligibility date only. Such request for credit shall be made by the appointing authority and approved by the Director. Upon establishment of an eligibility date, the working test period employee may be considered for subsequent pay raises on the same basis as are regular employees. Upon returning to his former position, any and all pay raises granted during the transient period shall be considered as having satisfied the regular requirements for mandatory pay increase after completion of probation and for establishment of the permanent pay raise eligibility date. If the working test period employee establishes an eligibility date as prescribed in this paragraph, he shall serve the remainder of the working test period for his original class with no associated pay increase upon returning to his former position in order to establish permanent status in that classification. The employee's appeal rights shall remain that of a probationary employee until he establishes permanent status in his original class of work.

1. A working test period employee appointed to transient positions in an equal or lower pay grade than his current classification shall be paid at his current rate of pay except when the employee's salary is above the normal maximum for the pay grade associated with the transient position. When an employee is appointed to a transient position with a pay grade lower than his former position, the employee's pay must be reduced to the normal maximum rate provided unless eligibility for a longevity rate is established and approved by the Director.
 2. A working test period employee appointed to transient positions in a higher pay grade than his current classification shall be paid at the minimum rate for the classification or 5% above his current salary, whichever is greater. Upon returning to his former position, the employee's salary shall automatically return to his former rate subject to upward adjustments due to annual eligibility increases.
- (c) Permanent status in a specific classification shall not be granted based upon time credited except in cases in (b)i above.
- (d) Regular and working test period employees appointed to transient positions due to budgetary constraints during a declared natural disaster or other declared emergencies shall only be appointed to classification in an equal or lower pay grade.
- (3) Emergency Appointments. When an emergency situation requires that a position be filled before appointment can be made under any other provision of these Rules, the Director, at the request of 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 ten (10) working days in any case, or be renewed for any further period beyond that limit.

5.4 Special Non-Competitive, Limited Term.

- A. Members of the Parish Council and the Parish President, with the approval of the Director, may make a special non-competitive, limited term appointment of any person deemed qualified, without compliance with the provisions regarding examination and certification of eligibles, provided that:
 - (1) the employee is hired to serve on the elected official's personal office staff, to assist in the performance of the official's essential Charter mandated duties and responsibilities.
 - (2) the term of the appointment is limited to the official's term of office. The employee shall have no continuing right to employment beyond the expiration of the official's term in office.
 - (3) this section applies only to those present positions as of the date of the adoption of this section; additional positions may be filled under this section only with the prior approval of the Personnel Board.
- B. This section shall not apply to the employees of the Parish Clerk or to other employees of other departments, offices, agencies, or divisions which may be placed under the supervision of the Parish Council or Parish President, or to employees within the Office of the Parish Council or the Office of the Parish President except as provided in Section 5.4 (1), above.
- C. Appointments under this Section 5.4 may be made at any salary within the grade for the classification approved by the Director.
- D. Employees appointed under the provisions of this section shall not be eligible for promotion, transfer, demotion, or reemployment, reinstatement, or preferred reemployment into any other competitive position within the Parish Service.
- E. Employees appointed under the provisions of this section may be granted pay increases under Rule IV, Section 2 on the same basis as provisional employees.
- F. When a SNCLT employee is appointed to a regular position in the Parish service, the pay of the SNCLT employees shall be calculated by:
 - a. determining the employee's starting pay in the SNCLT position had he been appointed under the rules governing regular appointments;
 - b. adding to that rate, the percentage increases granted as normal annual increases, as well as any other across the board increases granted to Parish employees during their tenure under a SNCLT appointment; and,
 - c. applying the normal provisions on pay upon appointment under Rule IV, 1.3.
- G. For purposes of determining the pay raise eligibility date:
 - (a) a regular employee appointed to a SNCLT appointment without a break in service shall retain the established eligibility date;

- (b) except as provided in 5.4G(a), above, employees shall be required to serve an initial probationary period and establish a pay raise eligibility date as provided by Rule IV, 2.1;
- H. When a SNCLT employee is appointed to a regular position in the Parish service, date of employment and continuous service shall not be affected.
- I. Whenever a vacancy occurs in the office of Parish President or one of the Council members, a SNCLT employee may remain in his/her respective position until the vacancy is filled pursuant to the provisions of the Charter.

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

6.1 When a nongovernmental, private organization or position, which is not subject to the provisions of Section 4.03 of the Parish Charter, is acquired by a Parish Department or Principal Office as a result of a Council Ordinance, Charter amendment, or judicial decree; or, when a government 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 Personnel Board, the position incumbent(s) shall be appointed in the Parish classified service under this Rule as follows:

- (a) Position incumbents who have occupied their position for one year or more shall be granted permanent civil service status.
- (b) Position incumbents who have occupied their position for less than one year but more than six months shall be granted permanent civil service status provided that they possess the necessary minimum qualification requirements.
- (c) Position incumbents who have occupied their position for less than six months, if minimally qualified, shall be granted probationary status and required to satisfactorily complete probation of at least six months in order to attain permanent status.
- (d) Position incumbents who have occupied their position for less than one 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 months, provided that they possess any credentials considered legally necessary for employment (eg. 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 6.1(d), 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, 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 An employee who enters the Parish classified service in accordance with Section 6 of this rule shall have his pay established in accordance with Rule IV, Section 1.4.

- 6.4 An employee who enters the Parish classified service in accordance with this Section shall have his 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 his annual and sick leave credits assumed by his acquiring department subject to the limitations established for leave carry over provided for in Rule IX, Section 2.1 (e) 1 and 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 Jefferson Parish employees who are employed outside of the Parish classified service and the employees specified in Section 6.4 (a) 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 Compensatory time shall not be credited to the employee.

- 6.6 An employee who enters the Parish classified service in accordance with this Section shall have his eligibility for annual pay increases determined as follows:

- (a) An employee who enters the service with probationary status and who is required to serve a minimum six month probationary period, shall have his eligibility for the initial pay increase and subsequent annual pay increases determined in accordance with the regular provisions of Rule IV, Section 2.

- (b) An employee who enters the service with permanent status shall be considered for an initial pay increase on the first day of the pay period immediately following completion of six months of continuous service. His pay raise eligibility date for future annual pay increases shall be based on the date of the first day of the pay period which immediately follows completion of six months of continuous Parish service. If that date is between the first and the fifteenth day of the month (inclusive), the pay raise eligibility date shall be the first day of that month; and, if that date is between the sixteenth and the last day of the month (inclusive), the pay raise eligibility date shall be the sixteenth of that month.

- 6.7 An established date of employment and beginning of continuous service is necessary for the application of various provisions of the Personnel 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 Jefferson Parish employees whose pay and benefits have been administered by the Finance Department, Payroll Office and who received 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 the Personnel Rules) as their benefits date for purposes of leave and tenure benefits and for the purpose of determining longevity 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 permanent 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 permanent status in the Parish classified service.

6.8 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.

6.9 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 Personnel Board. Upon approval by the Board, the recommended actions shall become effective.

If the Director determines that it is necessary for the Parish to assume the positions and incumbents being considered under this Section before Personnel Board approval can be obtained, and if an appropriate classification or classifications exist, he may authorize special provisional appointments until such time as the provisions of this Section can be applied. Employees so appointed shall be afforded the same rights, privileges, and status as provisional employees hired under other sections of these Rules.

6.10 Upon request of an appointing authority and when in its judgment sufficient and compelling reasons to do so have been presented, the Personnel Board may apply the provisions of this Section to situations not specifically addressed herein.

6.11 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 Every person appointed to a position in the classified service by certification from an original employment list or a promotion list shall serve a 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 reasons: (1) the working test indicates that the employee is unable or unwilling to perform his duties satisfactorily; or (2) the working test indicates that the employee's habits or lack of dependability do not merit his continuance in the service.

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 his working test period only with the approval of the Director.

The Director may remove an employee at any time during the latter's working test period if he 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 ten (10) work days prior to the expiration of a working test period, an appointing authority may request the Director to extend the duration of the test; provided that at the time of the announcement the employee was notified that an extension might be required. The Director may approve a request for extension received less than ten (10) work days prior to the expiration of a working test period in the event of a Declared Emergency or Non-Declared Emergency during the period in which the request must be received or in the case of an incident(s) occurring within the last two (2) weeks of the initial working test period. Such requests must be received prior to the date which the employee gains permanent status.

The appointing authority shall submit the request in writing and, at the time of submission, send a copy to the employee. 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 ten (10) working days' notice to the Director and a copy thereof to the employee shall have the same force and effect as a satisfactory report unless an extension is approved by the Director as outlined above in Section 1.3.
- 1.5 If the Director determines that an employee who has been removed from his position during or at the end of his working test period is suitable for appointment to another position, he 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 his appointment to the position from which removed, his name may be placed on the re-employment list for the class of positions in which he was a regular employee.

Section 2. INTERRUPTION OF WORKING TESTS

- 2.1 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, he shall be given credit for the portion of the working test period completed before he was laid off.
- 2.2 If an employee is transferred during his working test period from a position under one appointing authority to a position under another appointing authority, the second appointing authority may 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 his working test period, he 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 his working test period in a lower position, he shall be given credit for the uncompleted portion of the working test period if he remains in 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 effected as herein provided, the person, with the prior approval of the Director, may be returned to the employment list from which he was certified.
- 2.6 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.

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, ABSENCE WITHOUT LEAVE, NON-DISCIPLINARY ACTIONS, RETIREMENTS, AND RESIGNATIONS

Section 1. HOURS OF WORK

The work week for full-time employees in the classified service shall consist of not less than thirty-five (35) regularly scheduled working hours, exclusive of "lunch" periods, unless the employee works in a department utilizing a flexible schedule. Full-time employees working in departments utilizing a flexible schedule shall be regularly scheduled at least seventy (70) working hours per pay period. A person employed to work on a regular schedule of less than thirty-five (35) hours per week shall be considered a part-time employee for purposes of pay administration and other purposes contemplated by these Rules. An employee who works on an intermittent or variable basis, dependent upon the demand for his services, shall be considered a subject-to-call employee.

Section 2. ANNUAL LEAVE

2.1 Except as provided elsewhere in this rule, each eligible employee in the classified service shall earn and accumulate annual leave with pay as follows:

- (a) an employee with less than five (5) years of cumulative service shall accumulate at the rate as outlined below:
 - 1. an employee designated to work 70 hours per pay period shall accrue 3.5 hours per bi-weekly pay period worked;
 - 2. an employee designated to work 80 hours per pay period shall accrue 4 hours per bi-weekly pay period worked; and
 - 3. an employee designated to work less than 70 hours per pay period shall accrue one-half (1/2) of a working day per bi-weekly pay period worked;
- (b) an employee with more than five (5) but less than ten (10) years of cumulative service shall accumulate at the rate as outlined below:
 - 1. an employee designated to work 70 hours per pay period shall accrue 4.38 hours per bi-weekly pay period worked;
 - 2. an employee designated to work 80 hours per pay period shall accrue 5 hours per bi-weekly pay period worked; and,
 - 3. employee designated to work less than 70 hours per pay period shall accrue five-eighths (5/8) of a working day per bi-weekly pay period worked;
- (c) employee with ten (10) or more years of cumulative service shall accumulate at the rate of three-quarters (3/4) of a working day per bi-weekly pay period as outlined below:
 - 1. an employee designated to work 70 hours per pay period shall accrue 5.25 hours per

bi-weekly pay worked;

2. an employee designated to work 80 hours per pay period shall accrue 6 hours per bi-weekly pay period worked; and
 3. an employee designated to work less than 70 hours per pay period shall accrue three-quarters (3/4) of a working day per bi-weekly pay period worked;
- (d) leave accruals shall be in hours or decimal parts thereof commensurate with the regular base hours of work assigned to each class of work;
- (e) earned but unused annual leave credits shall be accumulated for each employee and shall be carried forward from one calendar year to the next, but the maximum amount of accumulated leave which may thus be carried forward shall be:
- (1) Ninety (90) days, for those employees on the payroll prior to April 26, 1986, for so long as they remain continuously employed by the parish; or
 - (2) Forty (40) days for those employees hired on or after April 26, 1986.
- (f) cumulative service shall include total employment time with Jefferson Parish in the Pay Plan for the Classified Service or the Executive Pay Plan for Unclassified Employees including all continuous service and one prior service period under the conditions as outlined in Personnel Rule IV, Section 2.4.
- 2.2 Persons employed on a subject-to-call basis, or under emergency or transient type appointments shall not be entitled to accumulate annual leave; except in the case of those persons who are currently employees accumulating leave and who have been temporarily promoted on a transient basis to fill a vacant position pending filling of the vacancy by regular appointment.
- 2.3 Employees who use any of the following types of leave for hours totaling more than one (1) working day in a bi-weekly pay period shall not accrue annual leave for that pay period: donated leave, suspension (except for Suspension Pending Investigation), leave without pay (except for Military Leave Without Pay), or absence without leave. Employees who are separated to enter active duty with the Armed Forces of the United States and are re-employed under provisions USERRA shall, upon their re-employment, be credited annual leave accruals on the same basis as they would have accrued leave had they remained continually employed on Military Leave Without Pay during their period of service.
- Retroactive to September 11, 2001, through a future date prescribed by the Personnel Board, leave accruals for employees on Military Leave Without Pay except employees placed on Military Leave Without Pay to participate in voluntary training shall be accrued and credited upon return to work from military duty. In support of the crediting of leave accruals, returning employees shall provide acceptable documentation which establishes that active duty was not ordered at the request of the employee.
- 2.4 No annual leave may be used until an employee has an accumulation of six (6) working days of such credits. This applies only to the initial use of annual leave and neither means nor implies that a balance of six (6) days be maintained. Subject to this requirement, each employee shall be entitled

each year to use at least the amount of leave accumulated during that year and may, with the approval of his department head, use any amount not in excess of the total accumulated and unused. Such leave may be used only at the time or times approved by the appropriate department or agency head, based upon the departmental work load and the demand for the employee's services. An employee may be required to use annual leave for vacation purposes, provided that such use is in conformity with a departmental policy set forth and impartially administered by the appointing authority. Any employee who feels that s/he has been treated unreasonably in regard to the use of annual leave may file a written appeal to the Personnel Board in accordance with the conditions outlined in Rule II, Section 4 of these Rules.

Any employee who has a current balance of forty (40) or more days of annual leave may be reimbursed for any number up, but not in excess of thirteen (13) days. Any employee who has a current balance of ninety (90) or more days of annual leave may be reimbursed for any number up to, but not in excess of, thirty (30) days. Payment of the reimbursement shall be made, if funds are available, on the same basis as payment for accumulated annual leave upon termination of employment. When reimbursement is made, the number of days recompensed shall be deducted from the employees leave balance. Under no condition shall the reimbursement be considered as salary or wages for work performed, for purposes of retirement benefit computation, or for any other purpose; the reimbursement being merely an advance payment of a potential terminal leave benefit.

For budgetary purposes, requests for reimbursement must be submitted to the Finance Department in writing not later than October 1 of the year preceding the year in which reimbursement is to be made. Reimbursement may be denied in any case in which such advance request is not submitted.

- 2.5 In computing and recording charges against an employee's accumulated annual leave, deduction shall be made only for such time that the employee is absent when scheduled to work. The minimum charge against annual leave shall be a unit of one-quarter (1/4) of an hour.
- 2.6 Upon an employee's death, termination of employment, or separation for entry into active duty with the Armed Forces of the United States, after an initial accumulation of six days of annual leave as set forth in Section 2.4 and successful completion of six consecutive months of satisfactory service, such employee shall be paid for all unused annual leave accrued to their credit, except that:
- (a) for those employees hired on or after April 26, 1986, payment for accrued leave shall be limited to a maximum of twenty (20) days;
 - (b) when the employee resigns to accept a provisional, transient or probational appointment 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 or;
 - (c) when an employee is dismissed from or resigns from the Parish service, the appointing authority may deduct from payment, any amount necessary to offset the cost to the Parish for damages to goods or works or Parish property which the appointing authority believes was caused by willful acts or negligence of the employee or for the failure of the employee to return in good condition any Parish equipment or materials which had been issued to him/her. In the case of an employee hired on or after April 26, 1986, this deduction shall be made after application of the limitation provided in (a) above.

(d) if an unclassified Parish employee other than employees of organizations and other persons engaged on a contractual basis resigns to accept a provisional, transient or probational appointment to a position in the classified service without a break in service, 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. Unused Annual Leave accrued to such employee's credit shall remain to his/her credit when s/he begins service in the new position provided that any break in service is not in excess of one full bi-weekly pay period.

2.7 Payment for each day of unused accumulated annual leave shall be determined by reference to Rule IV, Section 1 and by reference to the Base Weekly Hours shown in the Pay Plan for the appropriate class of work.

2.8 Whenever the working schedule of an employee is changed from one full-time schedule to another or from one part-time schedule to another with the new schedule resulting in a change in the employee's base hours per week, his accumulated leave hours shall be adjusted to maintain an equivalent balance of leave days under the new schedule as was to his credit prior to the schedule change.

Whenever the working schedule of an employee is changed from part-time to full-time, or vice versa, the amount of unused annual leave hours accrued to his credit at the time of the schedule change shall be retained, resulting in an adjustment of the number of days of leave to his credit. For instance:

- a. if a half-time employee with 10 days of leave accumulated were changed to full-time, his leave accumulation will reflect 5 days (the full-day equivalent of 10 half-days);
- b. if a full-time employee with 10 days of leave accumulated were changed to half-time, his leave accumulation will reflect 20 days (the half-day equivalent of 10 full-days).
- c. If an employee's total accumulated leave should exceed the maximum amounts normally provided by these rules, the employee shall be allowed to retain to his credit the excess over the normal maximum, but shall not accumulate further leave until his balance is reduced to a point below the normal maximum.

2.9 When an employee has used all accumulated Sick Leave, but has Annual Leave accumulations available for use, upon request by the employee, he shall be permitted to use Annual Leave in lieu of Sick Leave (for sick leave purposes), subject to the provisions, conditions and limitations set forth in section 3.5 of this rule.

Section 3. SICK LEAVE

3.1 Each employee in the classified service shall earn and accumulate sick leave with pay at the rate as outlined below:

- a. an employee designated to work 70 hours per pay period shall accrue 3.5 hours per bi-weekly pay period worked;

- b. an employee designated to work 80 hours per pay period shall accrue 4 hours per bi-weekly pay period worked; and
- c. an employee designated to work less than 70 hours per pay period shall accrue one-half (1/2) of a working day per bi-weekly pay period worked.

Persons employed on a subject-to-call basis, or under emergency or transient type appointments shall not be entitled to accrue sick leave; except in the case of those persons currently employed and accumulating leave and who have been temporarily promoted on a transient basis to fill a vacant position, pending filling of the vacancy by regular appointment.

Whenever the working schedule of an employee is changed from one full-time schedule to another or from one part-time schedule to another with the new schedule resulting in a change in the employee's base hours per week, his accumulated leave hours shall be adjusted to maintain an equivalent balance of leave days under the new schedule as was to his credit prior to the schedule change.

Whenever the working schedule of an employee is changed from part-time to full-time, or vice-versa, the amount of unused sick leave hours accrued to his credit at the time of the schedule change shall be retained, resulting in an adjustment of the number of days of leave to his credit. For instance:

- a. if a half-time employee with 10 days of leave accumulated were changed to full-time, his leave accumulation will reflect 5 days (the full-day equivalent of 10 half-days);
- b. if a full-time employee with 10 days of leave accumulated were changed to half-time, his leave accumulation will reflect 20 days (the half-day equivalent of 10 full-days).

- 3.2 Employees who use any of the following types of leave for hours totaling more than one (1) working day in a bi-weekly pay period shall not accrue sick leave for that pay period: donated leave, suspension (except for Suspension Pending Investigation), leave without pay (except for Military Leave Without Pay), or absence without leave. Employees who are separated to enter active duty with the Armed Forces of the United States and are re-employed under provisions of USERRA shall, upon their re-employment, be credited sick leave accruals on the same basis as they would have accrued leave had they remained continually employed on Military Leave Without Pay during their period of service.

Retroactive to September 11, 2001, through a future date prescribed by the Personnel Board, leave accruals for employees on Military Leave Without Pay except employees placed on Military Leave Without Pay to participate in voluntary training shall be accrued and credited upon return to work from military duty. In support of the crediting of leave accruals, returning employees shall provide acceptable documentation which establishes that active duty was not ordered at the request of the employee.

- 3.3 An appointing authority may, at his discretion, advance an employee sick leave with pay not in excess of five (5) working days, providing that such advanced leave must be charged against the first available sick or annual leave accumulations credited to the employee. In such a case, the appointing authority must furnish the employee a written notice of the action, and copies of this notice must be sent to the Personnel Department and the Finance Department. Sick leave with pay in excess of five (5) working days may be advanced to an employee only with the prior approval of the Personnel

Board.

- 3.4 There shall be no limitation on the amount of sick leave which may be accumulated and carried forward from one year to the next.
- 3.5 In support of usage of sick leave with pay, an employee shall furnish his supervisor notice of the need for and cause of his absence from work and, where appropriate, a prognosis. The notice shall be in writing and shall be furnished in advance or, if advance notice is not possible, as soon as reasonably practical and in no case later than ten (10) calendar days after the onset of sick leave. In addition:
- (a) if the amount of sick leave taken amounts to five (5) or more consecutive working days, the employee shall as soon as reasonably practical and in no case later than ten (10) calendar days after the onset of the sick leave, file with his supervisor a written statement by a registered physician or other acceptable authority certifying that the employee was ill and unable to work during the period of sick leave of absence, and/or;
 - (b) if there is a reasonable doubt as to the validity of an employee's claim for sick leave, the appointing authority may require written evidence of illness by giving the employee written notice of the need therefore, and/or;
 - (c) in any case in which an employee fails to provide the statements or evidence required in (a) and (b) above, or in which the appointing authority has cause to doubt the validity of the statements or evidence provided, the appointing authority, as a condition of granting such leave, may require the employee to undergo examination by a Parish physician, at Parish expense, and/or;
 - (d) if an appointing authority determines that an employee charged an absence against sick leave although no actual illness or disability occurred, he shall correct the time and attendance reports to show the employee on unauthorized leave of absence without pay for the period in question, shall take steps appropriate to recover compensation paid to the employee for the period in question and, also, may take such other disciplinary action as he deems fit.
 - (e) all employees will be allowed five (5) individual occurrences of unscheduled absences of no more than a total of thirteen (13) days of approved sick leave not verified by a doctor's certificate in a leave year. Any employee using unscheduled sick leave in excess of five (5) occurrences or approved sick leave over thirteen (13) days in a leave year shall submit a written statement by a registered physician or other acceptable authority certifying that the employee or the employee's immediate family member was ill and therefore, the employee was unable to work during the period of sick leave of absence. Failure to provide a certificate from a registered physician or other acceptable authority shall result in the absence being an unauthorized leave of absence without pay and could result in other disciplinary actions. This section does not apply to employee on approved Family Medical Leave.
- 3.6 In computing and recording charges against an employee's accumulated sick leave, deduction shall be made only for such time that the employee is absent when scheduled to work. The minimum charge against sick leave shall be one-quarter (1/4) of an hour.
- 3.7 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 full bi-weekly pay period;
- (b) during any period when s/he is carried on authorized military leave without pay, or;
- (c) when s/he is reinstated or reemployed after layoff, or;
- (d) when s/he is transferred from one Parish department or agency to another.
- (e) when an unclassified Parish employee other than employees of organizations and other persons engaged on a contractual basis 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 full bi-weekly pay period.

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

3.8 Reduction of Sick Leave balances upon entry into DROP and payment for unused Sick Leave upon separation shall be provided as follows:

- (A) Upon entry into the Deferred Retirement Option Plan (DROP) offered by the Parochial Employees' Retirement System, an employee may make an irrevocable choice to permanently deduct from his/her accumulated sick leave balance the hours of unused sick leave for which he/she would not have been paid had he/she retired on that same date. The amount to be deducted shall be not more than:
 - (1) one-half (½) of all unused sick leave remaining at the time of DROP entry, for those employees on the payroll prior to April 26, 1986, and who remain continuously employed by the Parish until the date of DROP entry, or
 - (2) unused sick leave in excess of forty (40) days remaining at the time of DROP entry, for those employees hired on or after April 26, 1986.
- (B) Upon separation from the Parish service after having attained ten (10) years of creditable service, or having attained seven (7) years of creditable service on or after January 1, 2002, to qualify for a current or deferred retirement benefit under the Parochial Employees' Retirement System and/or the Employees' Retirement System of Jefferson Parish, an employee shall be paid for unused sick leave credits, as follows:
 - (1) If the employee chose to make a deduction under Section (A)(1) above,
 - (a) 100% of all unused sick leave hours remaining at separation up to, but not in excess of, the number of unused sick leave hours deducted at DROP entry, plus one-half (½) of all unused sick leave in excess of this amount remaining at the time of separation, for those employees on the payroll prior to April 26, 1986, and who remain continuously employed by the Parish until the time of separation, or

- (b) all of the unused sick leave remaining at the time of separation up to but not more than forty (40) days, for those employees hired on or after April 26, 1986; or,
- (2) If the employee chose not to make a deduction under Section (A)(1) above or did not participate in the DROP,
 - (a) one-half (½) of all unused sick leave remaining at the time of separation, for those employees on the payroll prior to April 26, 1986, and who remain continuously employed by the Parish until the time of separation, or
 - (b) all of the unused sick leave remaining at the time of separation up to but not more than forty (40) days, for those employees hired on or after April 26, 1986.
- (C) Sick leave deducted under Section (A) at DROP entry, when such a deduction is chosen by the employee, shall be certified to the Parochial system at the time of DROP entry. When an employee does not participate in DROP prior to separation, the unused and unpaid sick leave remaining at separation from service shall be certified to the Parochial system upon separation from service. In either event the conversion of unpaid and unused leave to additional retirement service credit, if any, in accordance with State statutes shall be the sole responsibility of the Parochial system and Jefferson Parish makes no representations whatsoever in that regard.
- (D) Unused and unpaid sick leave credits as determined above and additional unused and unpaid sick leave accumulated while in DROP, if any, shall be certified to the Employees' Retirement System of Jefferson Parish for those employees who are members of that system. The conversion of unused and unpaid sick leave to additional retirement service credit, if any, under appropriate Parish ordinances shall be the sole responsibility of that retirement system and Jefferson Parish makes no representations whatsoever in that regard.
- (E) The sick leave credits to be reimbursed or certified as herein above provided shall be limited only to that sick leave which is earned under the provisions of Sections 3.1 and 3.2 of this Rule. No such payment or certification shall be made for any other sick leave advanced or bestowed under any other authority.

The sick leave credits to be reimbursed or certified as herein above provided shall be limited only to that sick leave which is earned under the provisions of Sections 3.1 and 3.2 of this Rule. No such payment or certification shall be made for any other sick leave advanced or bestowed under any other authority.

3.9 Special provisions for job-related injuries:

- (A) When an employee suffers a job-related injury which results in the employee's inability to perform the normal duties of his position and which entitles him to compensation under the State workers' compensation laws, he:
 - (1) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and workers'

compensation equal to his regular salary;

(2) upon request:

(a) when his Sick Leave balance is insufficient to take advantage of (A)(1), above, shall to the extent of the amount accrued to his credit, be granted annual leave or a combination of annual and sick leave not to exceed the amount necessary to receive total payments for leave and workers' compensation equal to his regular salary; or,

(b) shall be granted Leave Without Pay not to exceed the duration of concurrent FMLA Leave;

(c) may be granted Leave Without Pay subject to the conditions and limitations found elsewhere in these rules;

(3) at his option, when the period of disability is of such duration that he becomes eligible for a workers' compensation payment for the initially uncompensated absence, may endorse his compensation check to the Parish and in return receive an equivalent credit to his accumulated Sick or Annual Leave whichever had been used to cover the period of absence and such leave may be changed to Leave Without Pay, subject to section (B), below.

(B) Except as provided in sub-section 15.4, below, when an employee has insufficient accumulated paid leave to take advantage of provisions (A)1 or (A)2, above, he shall be granted Leave Without Pay subject to the provisions found elsewhere in these Rules to cover the balance of his absence not covered by paid leave however this Leave Without Pay shall not be counted for purposes of sections 2.3 and 3.2 of this Rule.

Section 4. CIVIL LEAVE, NON-DECLARED EMERGENCY LEAVE AND DECLARED EMERGENCY LEAVE

4.1 An employee shall be placed on Civil Leave and given time off without loss of pay when performing:

A. jury duty;

B. when subpoenaed to appear before a court, public body, commission, or board in a capacity other than as a party to a cause or action;

C. when performing emergency civilian duty in connection with national defense;

D. when ordered to appear for a medical or other examination by the Selective Service System or by a branch of the Armed Forces of the State or the United States; or

E. for the purpose of voting or serving as an election official in either a primary, general, or special election in Jefferson Parish.

The Civil Leave as described in 4.1 (A) or (B) shall extend from the date and time on which the employee is required to report until the time he or she is discharged. If the employee is discharged prior to the end of normal work day, then the employee shall contact his immediate supervisor or designated representative to determine whether the employee is required to return to work or the appropriate type of leave to be charged from the remainder of the work day. Inflexible shift workers not scheduled to work during jury duty service, but scheduled to work on that day, shall have his

shift time reduced by the number of hours they serve on the jury duty. If the employee and his supervisor agree that he will still work his regular shift, then the jury duty service shall be paid in addition to the hours worked subject to overtime pay provisions.

- 4.2 When an employee is authorized or assigned to attend a convention, a conference, or a training program directly related to his own position or to the functions and operations of his department, he shall be considered to be on duty and no leave shall be reported for or charged against the employee.
- 4.3 When an employee is subpoenaed to appear before the Personnel Board 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.
- 4.4 When an employee is taking or participating in a Jefferson Parish civil service examination, participating in a position interview for a Jefferson Parish classified position, or taking an examination for a license or certificate from a city, state, or national agency at the direction of his Appointing Authority, time spent shall be considered as hours worked for purposes of computing regular and overtime pay due the employee.
- 4.5 An employee who was available for work and otherwise scheduled to work shall be placed on Non-Declared Emergency Leave and given time off without loss of pay on the day(s) on which Parish departments are closed by direction of the Parish President or delegated authority, due to non-declared local emergency events. An employee who is available, and directed to report to an alternate work location as the result of and during the emergency closure of his/her building or work location under this provision shall be considered at work and shall not be placed on Non-Declared Emergency Leave.

This subsection shall not apply to employees who are on leave without pay immediately prior to and immediately subsequent to the period of time of closure or to employees during times when they were not otherwise scheduled to work due to a pre-approved leave of absence.

This subsection shall not apply when Parish Departments are closed by direction of the Parish President or delegated authority because of a declared natural disaster or other declared emergency.

- 4.6 An employee who was available for work and otherwise scheduled to work shall be placed on Declared Emergency Leave and given time off without loss of pay on the day(s) on which Parish Departments are closed by direction of the Parish President because of a declared natural disaster or other declared emergency subject to the following:
 - (a) This subsection shall not apply to employees who are on leave without pay or absence without leave immediately prior to and immediately subsequent to day(s) involved. Employees on suspension shall remain suspended for the designated suspension period unless called into work for that period.
 - (b) Employees who had pre-approved Sick Leave, Annual Leave, Compensatory Time, Funeral Leave, and/or Military Leave with Pay scheduled may submit a request to cancel such leave. Employees who were scheduled to be on Family Medical Leave shall have any Declared Emergency Leave counted towards the Family Medical Leave entitlement. Employees on Parental Leave shall remain on Parental Leave period, but may be eligible for Declared Emergency Leave Following that period;
 - (c) All payments anticipated under this section shall be subject to the availability of funds and as

such, they may be increased, reduced or discontinued by appropriate authority at any time that it is determined that the Parish's financial condition will in the case of increased payments, support such increase or in the case of decreased or discontinued payments will not support continued payments or that continued payments would or could adversely impact the ability to provide essential services.

Section 5. LEAVE OF ABSENCE WITHOUT PAY

5.1 An appointing authority may grant an employee, other than a transient employee, leave without pay for a period not to exceed an aggregate of ninety (90) working days within a period of twelve consecutive months, whenever such leave is considered to be in the best interest of the service; provided that:

- (a) leave without pay for up to an additional ninety (90) working days may be granted only with the consent of the Director; furthermore, any additional leave beyond one-hundred-eighty (180) working days is subject to review and approval by the Personnel Board; and,
- (b) when an employee is on leave without pay for more than five (5) consecutive days, the appointing authority must submit a report to the Director; and,
- (c) when an employee does not return to work at the expiration of a period of leave without pay as authorized herein, s/he shall be considered as having resigned his/her position as of the day following the last day of leave; and,
- (d) provisional and transient employees may be granted temporary leave without pay for a period not exceeding five (5) working days.
- (e) when an employee is on leave without pay on the day before and the day after a holiday which is provided for under Section 11 of this Rule, he shall not be entitled to and shall not be paid holiday pay for the holiday.

Section 6. SPECIAL LEAVE OF ABSENCE WITHOUT PAY

6.1 An appointing authority may grant a regular 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 leave without pay herein authorized shall end automatically whenever the employee resigns from his unclassified position or his employment therein is otherwise terminated.

If an employee is subsequently removed from his classified position as a result of another employee returning from Special Leave of Absence Without Pay, the Director shall make every reasonable effort to place the employee in an available position in the Parish classified service.

The employee that has been removed from his classified position shall not be required to suffer a pay reduction as outlined in Personnel Rule IV, Section 3.2. If the employee's rate of pay exceeds the maximum rate established for the assigned class, he shall be ineligible for any further pay increase(s) until such time as such increase(s) is permissible in accord with the provisions stipulated elsewhere in these Rules or in the Pay Plan permitting pay above the maximum rate; or is permissible as a result of an adjustment to the pay structure which has the effect of increasing the maximum rate for the grade to which a class is assigned.

If the employee refuses placement in available positions, the employee shall be subject to layoff in accordance with Personnel Rules XIII.

Section 7. SPECIAL LEAVE OF ABSENCE WITH PAY

- 7.1 An appointing authority may grant a regular employee special leave of absence with pay for a period not to exceed one (1) year to permit the employee to obtain educational training the end result of which would be betterment of the service rendered to the public. To obtain such leave, the employee must clearly demonstrate that the course of study is related directly to the work of the organization unit in which he is employed. The appointing authority shall not grant such leave without express approval from the Personnel Board.

Section 8. MILITARY LEAVE WITH PAY

- 8.1 Any regular or probationary 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 from his position 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 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 employee who is inducted or ordered to active duty to fulfill his 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 in sub-section 8.1, 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 not more than fifteen (15) working days.

The provisions of this sub-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 or more calendar years.

In no case shall the combined total of leave granted under sub-sections 8.1 and 8.2 exceed fifteen (15) working days in a calendar year.

Additional leave, if necessary, shall be granted under Section 9 of this Rule.

- 8.3 In support of a request for Military Leave With Pay, an employee shall submit, as soon as possible, a copy of the written orders issued to the employee.

Section 9. MILITARY LEAVE WITHOUT PAY

- 9.1 Any regular employee or probationary employee who is a member of a reserve component of the Armed Forces of the United States or the State of Louisiana shall be entitled to a temporary military leave of absence as specified in Section 8 of these Rules.

If active duty for training or other specified eligible active duty exceeds the fifteen (15) working days of Military Leave With Pay as provided for under Section 8, the employee shall be placed on regular Military Leave Without Pay, and/or may utilize annual leave and/or compensatory time, or any

combination thereof, for the remainder of the period of active duty.

9.2 Subject to re-employment rights provided for under the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA), after completion of a period of service, an employee must report to work or give notice of readiness to return to work to their appointing authority, as follows:

(a) If the period of service was less than thirty-one (31) days or was for a service fitness examination, the employee must report to work not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service (or fitness examination) and the expiration of the safe transportation from the place of service (or examination) to the employee's residence, plus an 8-hour rest period.

If, due to no fault of the employee, reporting back to work within the required period is impossible or unreasonable, then the employee must report back to work as soon as possible after the expiration of the 8-hour rest period.

(b) If the period of service was more than thirty (30) days but less than one hundred eighty-one (181) days, the employee must report to work or give notice not later than fourteen (14) days after the completion of the period of service.

If reporting for work or giving notice within the fourteen (14) day period is impossible or unreasonable, through no fault of the employee, the employee must report or give notice no later than the first full calendar day when it becomes possible.

(c) If the period of service was for more than one hundred eighty (180) days, the employee must report for duty or give notice not later than ninety (90) days after the completion of the period of service.

(d) An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during service shall, at the end of the period that is necessary for the person to recover from the illness or injury, return to work or give notice of readiness to return to work. The period of recovery may not exceed two (2) years, except as provided by the USERRA.

9.3 Any regular or probationary employee who enters military service in the armed forces of the United States under the provisions of the selective service law, by call to active duty or by voluntary entrance (regular military service unrelated to reserve duty) shall be placed on Military Leave without Pay with all re-employment rights subject to USERRA regulations.

The cumulative length of a person's absence from a position may not exceed five (5) years except for those categories of service exempt from the five year limitation as specified by the USERRA. The right to restoration to the position formerly occupied or an equivalent position shall automatically terminate and the employee shall be considered to have resigned his position if the employee voluntarily remains in military service beyond the prescribed period of time allowed for absence by the USERRA.

Upon termination of his/her military obligation, the employee shall be restored to the position he/she vacated provided that:

1) he/she has provided notice of military service to the Appointing Authority prior to entering

into active duty and;

- 2) returns to work, upon honorable discharge or discharge under honorable conditions, within the time limits prescribed by the USERRA.

An employee who was placed on military leave while serving a working test period, upon returning to his position, shall be required to serve the remaining portion of the working test period before he may gain permanent status in his class of position.

- 9.4 If a position vacated by an employee entering the armed service no longer exists when he/she qualifies to return to work, he/she shall be entitled to re-employment in any position of the same classification within the organization unit in which he was previously employed, or a position of equal pay grade, or a position he/she would have reasonable certainty been promoted to, so long as the person is qualified for the job or can become qualified after reasonable efforts by the employer to qualify the person, provided such re-employment does not necessitate laying off an employee appointed at an earlier date than the employee returning from military service.
- 9.5 If a position vacated by an employee entering the armed services no longer exists when he/she qualifies to return to work, and if no other position to which he/she might be entitled through re-employment privileges exists in the organization unit in which he/she was previously employed, his/her name shall be placed upon an appropriate re-employment list or lists by the Director, who shall take all steps consistent with the Rules to effect re-employment at the earliest possible date. Names of persons placed on re-employment lists under the provisions of this Section shall be given preference in certifications.
- 9.6 Any position vacated by an employee placed on military leave without pay may be filled only by a conditional appointment in accordance with Rule VII, Section 5. A regular employee temporarily occupying a position vacated by a person entering the armed services shall be entitled to all benefits provided in these Rules that he/she might otherwise have, except as herein provided. If and when a regular employee is required to vacate a position as the result of the re-employment of a person returning from military service, he/she shall be entitled to be demoted or transferred to his/her former position, unless the former position is not vacant, in which case, the layoff provisions of Rule XIII, Section 3 shall be followed.
- 9.7 A person on authorized military leave of absence shall be permitted to take any promotional examination given during his/her period of leave, provided that he/she must take the examination during the life of the appropriate eligible list and prior to announcement of the next examination for the same class of positions.

Section 10. PARENTAL LEAVE

- 10.1 Regular employees who have been employed with Jefferson Parish for a period of at least of one (1) year shall be eligible for parental leave. The regular employee is required to present a statement from a physician, adoption agency, or another verification requested by the Appointing Authority that is reasonable and necessary to confirm eligibility. Parental leave shall be recorded as paid leave in addition to the employee's accumulated sick, annual, and compensatory leave for the approved for the following durations:
 - (A) Childbirth leave may be for up to four (4) consecutive weeks of Parental Leave taken for childbirth beginning the day following the birth of a child/children for the purposes of

recovering from pregnancy and childbirth. An employee may return to work any time following the childbirth provided that she has the permission of her attending physician. A statement from the physician certifying that the employee is able to resume her duties is required. In addition to the Parental Leave provided herein, an employee who has given birth to a child/children shall be eligible for additional Parental Leave as provided in Section B of this Rule.

(B) Child bonding leave may be for up to two (2) consecutive weeks of Parental Leave beginning the day following the birth of a child/children, the child/children's first release from a medical facility, immediately following the usage of Childbirth leave, or immediately following the placement of the child/children by the employee for adoption. In order to qualify, an employees must meet one of the following criteria:

1. Have given birth to the child/children;
2. Be the spouse of a person who has given birth to a child/children;
3. Be the biological father of the newborn child/children; or,
4. Be the adoptive parent of a child under five (5) years of age.

10.2 Employees shall be required to use appropriate accumulated paid leave for any other leave utilized for the birth or adoption of a child. An Appointing Authority may grant Leave without Pay in the event that all paid leave has been exhausted. Employees who are eligible for leave under this section are eligible for participation in the Voluntary Leave Transfer Program subject to the provisions as provided in Rule IX, Section 18 of these Rules.

10.3 Parental Leave may not be used by an employee more than once in any twelve (12)-month period. The twelve (12) month period shall be computed using a rolling twelve (12) month period measured backwards from the first date leave is used. If multiple children are born/adopted, the event shall be considered a single qualifying event.

10.4 Childbirth leave and Child bonding leave shall be for a continuous period of four (4)-week and two (2)-week period, respectively. The leave shall not be used on an intermittent basis. No other forms of leave (including but not limited to: Annual Leave, Sick Leave, Civil Leave, Non-Declared Emergency Leave, Declared Emergency Leave, Leave without Pay, Special Leave of Absence With Pay, Military Leave With Pay, Military Leave Without Pay, Holidays, Funeral Leave, and Donated Leave) shall extend and/or interrupt the continuousness of the applicable Parental Leave.

10.5 The provisions of the Family and Medical Leave Act (FMLA) apply to Parental Leave. An employee on approved Parental Leave shall be reinstated to his or her former position, or a comparable position in supervisory and duty responsibilities at the same pay, upon return to work within the twelve (12) weeks provided by FMLA. Any and all Parental Leave shall run concurrently with leave under the FMLA.

Section 11. HOLIDAYS

11.1 The following days shall be observed as holidays, except as otherwise provided, specifically, elsewhere in these Rules.

January 1 (New Year's Day)
Third Monday in January (Martin Luther King Day)
Mardi Gras
Good Friday
Last Monday in May (Memorial Day)
July 4 (Independence Day)
First Monday in September (Labor Day)
November 11 (Veteran's Day)
Fourth Thursday in November (Thanksgiving Day)
Friday after Thanksgiving Day
December 25 (Christmas)

All holidays shall be paid as one working day as defined by Rule I. Should any of the above listed holidays fall on the weekend, the next following or immediately preceding working day, whichever is closer, shall be observed as a holiday for all full-time and part-time employees not required to work on holidays. Employees required to work holidays shall be paid in accordance with Rule IV, Section 5.8. Subject-to-call and transient employees are ineligible to observe holidays except in the case of regular and working test period employees currently employed and accumulating leave and who have been temporarily appointed to a transient position.

- 11.2 In addition to the provisions of Section 11.1 above, any other holiday which may be declared by the Parish Council or the Parish President shall be observed by such employees and under such conditions as might be specified in the declaration of such holiday.
- 11.3 Employees of Courts and other agencies which are bound by law or practical necessity to observe holidays inconsistent with those listed in Section 11.1 of this section may observe such holidays in lieu of those provided in 11.1.

Section 12. FUNERAL LEAVE

- 12.1 When there is a death in the immediate family (as defined in Rule I) of an employee other than transient, emergency, or others not eligible to accumulate leave, the Appointing Authority shall grant two (2) days of Funeral Leave which shall not be charged to the employee's Annual or Sick Leave. The Appointing Authority may also grant the employee Sick Leave in any amount up to, but not in excess of three (3) additional days to permit such out of local-area travel time which the Appointing Authority deems necessary; but under no condition shall a combination of Funeral Leave and Sick Leave span a period of more than five (5) consecutive calendar days.
- 12.2 When there is a death in the immediate family (as defined in Rule I) of the spouse of the employee, other than transient, emergency, or other employee not eligible to accumulate leave, the Appointing Authority shall grant one (1) day of Funeral Leave which shall not be charged to the employee's Sick or Annual Leave. Additional leave of absence, chargeable to Sick Leave, may be granted by the Appointing Authority to permit such out of local area travel as the Appointing Authority may deem necessary, but under no condition shall a combination of such Funeral Leave and Sick Leave span a period of more than five (5) consecutive calendar days.
- 12.3 In support of requests for Funeral Leave and Sick Leave supplemental thereto, the employee shall furnish to his supervisor written notice of the need for absence, including in such notice 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. The employee shall furnish the required notice in advance or

as soon as reasonably 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.

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 13. ABSENCE WITHOUT LEAVE AND PRESUMED RESIGNATION

- 13.1 It shall be the duty of every employee to report for work in accordance with, and to work throughout, all regularly scheduled working hours, unless granted a leave of absence duly applied for and approved or authorized in accordance with one or more of the provisions contained in Sections 2 thru 12, inclusive, of this Rule IX. Each and every absence without leave shall be reported on the daily time and attendance reports by separate and specific identification, and no compensation shall be paid to any employee for any time absent from work without leave.
- 13.2 Deduction from pay or denial of pay 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.
- 13.3 For purposes of this Section 13, the term "work" shall include, in addition to normal and related duties, all other 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 of a job related injury).
- 13.4 Absence without leave for a period of five (5) consecutive working days shall constitute a presumed resignation. The appointing authority involved shall, subject to the provisions of section 13.2, above, effect the presumed resignation on forms prescribed by the Personnel Department. In every case of presumed resignation of an employee in the classified service, the appointing authority responsible for the action shall furnish to the employee involved a written notice thereof. The written notice shall also inform the employee of his right of appeal to the Personnel Board as provided in 13.5, below.
- 13.5 Denial of pay for time absent without leave and presumed resignation shall be appealable to the Personnel Board 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 provisions of Section 2 thru 12 of this Rule IX. 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 his 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 such time as the employee furnishes to his Appointing Authority a statement by a licensed physician certifying that the employee is released to return to work, and is not affected by a medical condition which

interferes with the employee's ability to perform the essential functions of his position satisfactorily and/or without endangering himself, other employees and/or the general public, with or without reasonable accommodation that does not present an undue hardship.

- 14.2 Whenever an Appointing Authority concludes that an employee is unable to perform the essential functions of his position satisfactorily and/or without endangering himself, other employees and/or the general public, with or without reasonable accommodation that does not present an undue hardship, and the Appointing Authority believes that this inability to perform may be the result of a medical condition, physical or mental, the Appointing Authority may require the employee to undergo examination by a Parish physician, at Parish expense, certifying that the employee is not affected by a medical condition which interferes with the employee's ability to perform the essential functions of his position satisfactorily and/or without endangering himself, other employees and/or the general public, with or without reasonable accommodation that does not present an undue hardship.

In addition to undergoing examination by a Parish physician, the employee may elect, at their own expense, to furnish a statement by a licensed physician certifying that the employee is not affected by a medical condition which interferes with the employee's ability to perform the essential functions of his position satisfactorily and/or without endangering himself, other employees and/or the general public, with or without reasonable accommodation that does not present an undue hardship.

If there is a conflict between the first and second medical opinions, the Parish may, at Parish expense, require an employee to obtain a third opinion from a licensed physician jointly approved by the Parish and the employee. The third opinion shall be binding on both the Parish and the employee.

- 14.3 The Appointing Authority may require an employee to undergo examination by a Parish physician, at Parish expense, for the purpose of obtaining confirmation of the employee's ability to return to or continue in his position.
- 14.4 Pending the receipt of the Parish physician's certification, the Appointing Authority may place the employee on a leave of absence charged to the employee's accumulated Sick Leave, accumulated Annual Leave or Leave Without Pay, subject to the conditions set forth in Section 5.1(A-D) of this Rule.
- 14.5 In any case where an employee refuses to undergo the examination by a Parish physician, the Appointing Authority may take action warranted by the circumstances in order to maintain standards of effective service in accordance with the provisions of Rule X.
- 14.6 In every case in which the employee is placed in a leave status, under the provisions of this Section, the Appointing Authority responsible for the action shall furnish to the employee involved a written statement of the action(s) taken and the reason(s) therefore. The written notice shall also notify the employee of his right of appeal to the Personnel Board within thirty (30) calendar days of the effective date of the action taken against him, of the address of the Department of Personnel, and of the fact that forms to assist in the filing of an appeal may be obtained from the Department of Personnel. In addition, the Appointing Authority shall forward to the Director of Personnel a copy of the notification sent to the employee. In any case of alleged inability to furnish the required written notice to an employee, the Personnel Board may require evidence, and shall be the sole judge of the sufficiency and timeliness of the effort.

- 14.7 Nothing in this Section shall diminish the rights and responsibilities of the Parish or of its employees as provided under Rule VI, Section 10 of these Rules.

Section 15. RETURN TO WORK PROGRAM

- 15.1 When employees suffer a work related injury, their rapid and efficient return to full duty in their current position is a goal of the Parish and will be accomplished through transitional duty, if possible.
- 15.2 All injured employees will be given the workers' compensation benefits due under the law, including wage replacement and appropriate medical care to ensure a speedy recovery and return to work.
- 15.3 Employees are expected to fully cooperate with their treatment plan and transitional duty requirements once released to work by a physician. Failure to do so could result in loss of worker's compensation benefits.
- 15.4 If an employee refuses an offer of a transitional duty assignment and is granted LWOP in excess of one (1) working day during one or more pay periods for which transitional duty is offered, he shall not be covered by the LWOP exclusion provided for under sub-section 3.9(B) of this Rule and shall not accrue Annual and Sick Leave for the period(s) involved.
- 15.5 An employee who suffers a work related injury which is subject to State worker's compensation laws may be offered or may request a transitional duty assignment consistent with the recommendations of a treating physician, subject to the following:
- (A) all employee requests shall be given due consideration by the appointing authority;
 - (B) short term transitional duty assignments of up to ninety (90) calendar days may be offered without change in classification or pay rate. Assignments of a longer duration may be made only with the approval of the Personnel Board except that the Director may approve an extension pending Board action;
 - (C) all transitional duty assignments shall involve productive work which contributes to the efficient and effective operation of the Parish service;
 - (D) a transitional duty assignment shall be made only when there is a reasonable expectation that such assignment will terminate with the employee's return to full duty in his current position; and,
 - (E) employees who are determined to have a permanent total or permanent partial disability which will prevent them from returning to full duty in their current position shall not be eligible for assignment to or continuation of transitional duty, but may be considered for transfer;
 - (F) in every case of a job injury and resulting transitional duty assignment, the appointing authority involved shall immediately report the nature of the injury and the assignment including its starting date and modified job description to the Personnel Director for inclusion in the employee's file maintained in the Personnel Department, and shall report any alteration or discontinuation of the assignment and the date(s) thereof.

Section 16. FAMILY AND MEDICAL LEAVE

Employees shall be entitled to and shall be granted Sick Leave, Annual Leave, Parental Leave, compensatory time, and/or Leave Without Pay for Family and Medical Leave purposes in order to comply with the Family and Medical Leave Act of 1993.

The Director shall develop and promulgate to all Parish Appointing Authorities, a written Family and Medical Leave Policy which sets forth guidelines and procedures necessary for implementation of the FMLA.

When necessary in order to comply with the provisions of the FMLA, the policy may include specific provisions which supersede the provisions of Rule IX of the Personnel Rules regarding leaves of absence. Actions by appointing authorities shall be consistent with the Personnel Rules except as otherwise directed by the Family Medical Leave Policy.

Section 17. VOLUNTARY RETIREMENTS AND RESIGNATIONS

17.1 The voluntary retirement or resignation of an employee in the Classified Service may be submitted orally or in writing, and shall be accomplished upon:

- (a) acceptance by his Appointing Authority, notwithstanding any prospective effective date; or,
- (b) the passing of the effective date and time of resignation specified in the notice of retirement or resignation;

17.2 Acceptable evidence of acceptance may include but shall not be limited to preparation and signature by the Appointing Authority of forms prescribed by the Personnel Department for the purpose of recording employee resignations or retirement. The Appointing Authority shall furnish to the employee involved a written confirmation thereof.

17.3 Subsequent to its acceptance, an employee may not retract his resignation or retirement except with the written and express approval of his Appointing Authority.

17.4 The resignation or retirement of any employee shall not be rescinded subsequent to the effective date of such resignation or retirement.

Section 18. VOLUNTARY LEAVE TRANSFER PROGRAM

18.1 Under the Voluntary Leave Transfer Program, a regular or working test period employee may donate leave directly to another regular or working test period employee, classified or unclassified, who has a personal medical emergency (as defined in Rule 1) or medical emergency of an immediate family member and who has exhausted his or her paid leave, subject to the following conditions as outlined in this Section.

18.2 The donation of leave shall be strictly voluntary, without coercion, implied or otherwise. An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to contributing, receiving, or using leave under this section. Such actions may be grounds for disciplinary action.

- 18.3 A regular employee may be approved as a leave recipient and receive/use donated leave under the following conditions:
- (A) The potential leave recipient has been employed with the Parish for a period of at least one (1) year at the time of application.
 - (B) The potential leave recipient is not currently on Worker's Compensation.
 - (C) The potential leave recipient must be entitled to accrue leave.
 - (D) The potential leave recipient (or representative acting on behalf of the potential leave recipient, if appropriate) must complete and submit all application forms prescribed by the Personnel Department for the purpose of consideration as a potential leave recipient. Such forms include, but are not limited to, a medical certification from a licensed physician. The Appointing Authority may, at Parish expense, require the potential leave recipient to obtain a second medical certification from a licensed physician. If there is conflict between the first and second medical certification, the Appointing Authority may, at Parish expense, require the potential leave recipient to obtain a third medical certification from a licensed physician jointly approved by the Parish and the potential leave recipient. The third opinion shall be binding on both the Parish and the employee. All forms must be submitted to the potential leave recipient's Appointing Authority.
 - (E) Subject to the approval of the Personnel Director, the Appointing Authority shall approve or disapprove an application of a potential leave recipient and notify the Potential leave recipient (or representative acting on behalf of the potential leave recipient, if appropriate) of the decision, in writing within ten (10) working days of receipt of the required completed forms.
 - (F) Leave recipient must have exhausted all appropriate paid leave (Sick, Annual, Parental Leave, and/or compensatory time) prior to the receipt of donated leave.
 - (G) Leave recipient shall not accrue leave time while using donated leave during any bi-weekly pay period unless the donated leave hours used do not surpass one (1) working day.
 - (H) Leave recipient shall be paid at his designated hourly rate of pay.
 - (I) Leave recipient shall be limited to receiving donated leave in an amount not to exceed a total of twelve (12) workweeks within a period of twelve (12) months. Upon receipt of the maximum allowed donation, the leave recipient shall be removed from the list of eligible leave recipients, but will be allowed to continue to utilize the donated leave for the remainder of his medical emergency and is able to reapply after the twelve (12) month period elapses.
 - (J) Leave recipient may use donated leave only for purposes related to the medical emergency for which the leave recipient is approved. If the leave recipient is found to have used donated leave for purposes unrelated to the medical emergency, such leave shall be changed to absent without leave and the employee will be subject to disciplinary action.
 - (K) The eligibility for receipt and use of donated leave shall be considered terminated on the date

of which:

- a. the leave recipient notifies his Appointing Authority, in writing, that the medical emergency no longer exist;
 - b. the Personnel Director or the Appointing Authority of the leave recipient determines, after written notification and opportunity for the leave recipient (or his representative acting on his behalf, if appropriate) to respond orally or in writing, that the medical no longer exists; or
 - c. termination of the leave recipient's employment with the Parish.
- (L) Any unused donated leave remaining to a leave recipient's credit on termination of the medical emergency must be restored to the leave accounts of the leave donors and shall be prorated between the leave donors except under the following conditions:
- a. donated leave shall not be restored or paid to leave donors no longer employed by the Parish;
 - b. donated leave shall not be restored if such restored leave would be less than one (1) hour; or
 - c. restoration of donated leave is not administratively feasible, as determined by the Personnel Director.

18.4 A regular or working test period employee may be approved as a leave donor and donate leave under the following conditions:

- (A) Potential leave donors must complete and submit all forms prescribed by the Personnel Department for the purpose of donating leave. A designated employee of the Department of Personnel shall review and confirm the eligibility of the potential leave donor. Following review, the approved leave donation shall be sent to the Accounting Department for transfer.
- (B) Leave donors cannot have a leave balance of less than thirty (30) days of sick leave after donation of leave if donating sick and less than ten (10) days of annual leave after donation of leave if donating annual. All donors must maintain a collective leave balance of at least forty (40) days of leave after donation.
- (C) Leave donors may donate up to ten (10) days of sick leave and ten (10) days of annual leave in a leave year. Leave donors may donate additional leave under the following conditions:
 - a. Leave donors who have a current balance of forty (40) or more days of annual leave may donate up to the amount of annual leave they accrue in the leave year.
 - b. Leave donors that are retiring or resigning from Parish employment may donate up to the balance of his/her leave.
 - c. Leave donors who have a balance of one-hundred (100) or more days of sick may donate up to a total of twenty (20) days of sick leave in a leave year.

- d. Leave donors who have an immediate family member (as defined in Rule I) that is an eligible leave recipient may donate an additional ten (10) days in a leave year.
- e. In relation to a-d above, no employee may donate more than a total forty (40) days of leave in a leave year. The conditions of Section 18.4(B) must met be in order to donate any leave.

(D) The minimum amount of leave that can be donated is one (1) day.

(E) Donation is irrevocable once made. The leave donor shall relinquish all future claims to donated leave, regardless of the medical condition of either the leave donor or leave recipient.

(F) Leave donor cannot donate leave to his direct or indirect supervisor.

18.5 Leave donated by the leave donor shall be distributed to the leave recipient based on the monetary value of the leave. The conversion method (rounded to the nearest two (2) decimal places) takes the value of leave determined at the current hourly wage of the leave donor multiplied by hours donated then divided by the current hourly wage of the leave recipient.

Ex: Donor leave value: 1 hour = \$10; donates 10 hours of leave
 Recipient leave value: 1 hour = \$15

$$\frac{10 \times 10}{15} = \frac{100}{15} = \underline{6.67 \text{ hours}}$$

18.6 Nothing in Section 23-112 of the Jefferson Parish Code of Ordinance shall apply with solicitation, donation, or acceptance of leave under this Section.

Section 19. EXTRAORDINARY LEAVE

19.1 An employee who was available for work and otherwise scheduled to work may be placed on Extraordinary Leave and given time off without loss of pay on the day(s) on which the Parish President has directed that such employee be off due to health, safety, and/or other serious concerns for the employee and or/public subject to the following:

- (a) This subsection shall not apply to employees who are on leave without pay immediately prior to and immediately subsequent to day(s) involved.
- (b) This subsection shall not apply to employees during times when they were not otherwise scheduled to work due to a pre-approved leave of absence;
- (c) This subsection shall not apply to employees who fail to report for work when required or abandon their post without prior permission from appropriate supervisory authority;
- (d) This subsection shall not apply to employees able to work remotely or at alternative work sites;

- (e) This leave shall not be considered as time worked for the purposes of overtime pay eligibility determinations; and
- (f) All payments anticipated under this section shall be subject to the availability of funds and as such, they may be increased, reduced, or discontinued by appropriate authority at any time that it is determined that the Parish's financial condition will in the case of increased payments, support such increase or in the case of decreased or discontinued payments will not support continued payments or that continued payments would or could adversely impact the ability to provide essential services.

19.2 This subsection shall not apply in cases of a Declared Emergency due to a declared natural disaster or other declared emergency in accordance with Rule IV, Section 5.9 and Rule IX, Section 4.6.

19.3 This subsection does not entitle any employees to additional pay beyond their normal pay for hours worked.

Section 20. NON-DISCIPLINARY ACTIONS

20.1 When an employee, upon the expiration of the authorized leave period, is unable to perform the essential duties of his position with or without a reasonable accommodation due to a medical reason(s), the Appointing Authority may take action warranted by the circumstances in order to maintain standards of effective service. Non-Disciplinary actions by the Appointing Authority may extend to:

- (1) Non-Disciplinary Dismissal
- (2) Demotion to any position of an equal or lower class that the Appointing Authority and the Director deem the employee competent to fill.

20.2 An employee may resign or retire in lieu of the non-disciplinary actions noted in 20.1.

20.3 If the employee was eligible, and was subsequently approved, for the usage of Family Medical Leave, then the authorized Family Medical Leave shall be exhausted prior to any non-disciplinary action.

20.4 The Appointing Authority authorizing the non-disciplinary action shall furnish to the employee involved a written notice or confirmation thereof. The written notice or confirmation shall also notify the employee of his right of appeal to the Personnel Board with thirty (30) calendar days of the effective date of the action taken against him, of the address of the Department of Personnel, and of the fact that forms to assist in the filling of an appeal may be obtained from the Department of Personnel. In addition, the Appointing Authority shall forward to the Director of Personnel a copy of the notice of confirmation sent to the employee.

20.5 Non-Disciplinary actions, including resignations and retirement in lieu of non-disciplinary actions, shall not be subject to the two-year reapplication bar, nor shall it exclude such employees from receiving previous service credit under Rule IV, Section 2.4 if the other conditions are met.

RULE X

DISCIPLINARY ACTIONS

Section 1. MAINTAINING STANDARDS OF SERVICE

- 1.1 When a regular or working test period employee in the classified service is unable or unwilling to perform the duties of his 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 his duty to perform, or otherwise has become subject to corrective action due to causes outlined in Rule VI, Section 3.5, 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:

- (1) Removal from the service;
 - (2) Acceptance of voluntary Resignation or Retirement in lieu of discipline;
 - (3) Reduction in pay to a lower rate in the pay grade for the employee's class of positions;
 - (4) Demotion to any position of a lower class that the Appointing Authority and the Director deem the employee is competent to fill;
 - (5) Suspension without pay, not exceeding in the aggregate ninety (90) working days in any period of twelve (12) consecutive calendar months;
 - (6) Withholding of pay in any amount necessary to offset the cost to the Parish for damages which may have been caused by the employee or for the failure of the employee to return in good condition any Parish equipment or materials which may have been issued to him/her, provided that such withholding shall not reduce the hourly rate below the Federal Minimum Wage or, in an overtime week, shall not exceed a maximum of: employee's regular hourly pay rate-Federal Minimum Wage Rate x 40;
 - (7) 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 action, 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 therefore. The written notice shall also inform the employee of his right of appeal to the Personnel Board within thirty (30) calendar days of the date of the action taken against him, of the address of the Department of Personnel, and of the fact that forms to assist in the filing of an appeal may be obtained from the Department of Personnel. In addition, the Appointing Authority shall forward to the Director of Personnel 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 Personnel Board 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 his own initiative, immediately investigate the circumstances.

Section 2. TERMINATION FOR CONVICTION OF A FELONY

The employee-employer relationship existing between an employee in the classified service of Jefferson Parish and the Parish shall be terminated and such employee shall be removed from his position of employment with the Parish upon conviction, during his employment, of a felony as defined by the laws of this state or by the laws of the United States. Within ten days after a conviction is final and all appellate review of the original trial court proceedings is exhausted, the appointing authority of the employing department or office shall terminate any classified employee who is convicted of a felony and is holding a position of employment with such department or office. For the purposes of Rule X of the Jefferson Parish Personnel Rules, final conviction of a felony shall be a cause for termination of an employee from the classified service of Jefferson Parish.

Section 3. SUSPENSION PENDING INVESTIGATION

- 3.1 An employee may be verbally suspended pending investigation when his appointing authority has reason to believe he has engaged in conduct which, if confirmed, would warrant disciplinary action and the employee's continued presence at work during an investigation of the suspected conduct would be contrary to the best interests of the Parish service. The employee shall be informed that he is being suspended pending investigation and the reasons therefore.
- 3.2 A suspension pending investigation shall be with pay and shall not exceed 15 calendar days without the prior approval of the Director. Upon an appointing authority's written request which explains the reasons therefore, the Director may allow the suspension to be extended for up to 15 additional calendar days.
- 3.3 Upon completion of the investigation, the employee and the Director shall be advised of the outcome thereof.
- 3.4 A suspension pending investigation is not a disciplinary action and is appealable only based upon an allegation of discrimination, pled with specificity as provided under Rule II Section 4.3 of these Rules.

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 Director of Finance, in the case of those departments for which the Director of Finance prepares departmental payrolls, or when submitted to fiscal officers whose departmental payrolls are not prepared by the Director 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 appointing authorities in establishing 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, he 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 leave, with or without pay. Such records shall be documentary 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 Department of Personnel 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 examination.

Section 5. RECORDS OF THE DEPARTMENT OF PERSONNEL

- 5.1 Except as specifically provided in this rule, the records of the Department of Personnel 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.
- 5.2 Upon the request of any member of the Jefferson 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 of Personnel will make available to them full information concerning the results of tests.

RULE XII

PERFORMANCE EVALUATIONS

Section 1. ADMINISTRATION

- 1.1 A uniform performance evaluation 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 performance evaluations are to be made, and each Appointing Authority shall use the prescribed form in accordance with these rules and the instructions furnished by the Personnel Department.
- 1.2 Each employee serving in a Probationary period shall be evaluated at least once during the Probationary period. The evaluation may be made at any time deemed most appropriate by the Appointing Authority; but preferably in conjunction with consideration of granting employee Permanent status. An employee evaluated Below Expectations or Needs Improvement during Probation shall not be granted Permanent civil service status until and unless a reevaluation of Meets Expectations or higher is made (See Rule VIII for limit of Working Test period).
- 1.3 Each employee serving in a permanent status civil service appointment shall be evaluated at least once in each calendar year, in conjunction with consideration of the employee's annual pay raise eligibility. This shall be the employee's Annual Performance Evaluation. An employee evaluated as Below Expectations shall not be eligible for the annual pay increase. An employee evaluated as Needs Improvement shall not be eligible for a pay raise until and unless a reevaluation of Meets Expectations or higher is made. Upon a reevaluation of Meets Expectations or higher, an Appointing Authority shall grant an increase to the employee in the amount of two (2) percent as provided under Rule IV, Section 2.1. The overall evaluation (Below Expectations, Needs Improvement, Meets Expectations, Exceeds Expectations, or Substantially Exceeds Expectations) shall be indicated on the pay raise form.

An employee who has been absent from work on any type of leave of absence, or Absence Without Leave for the equivalent of one hundred thirty (130) or more work days shall not be evaluated due to insufficient opportunity for observation and shall not be entitled to an Annual Pay Increase for the year. Military Leave with Pay and Military Leave without Pay shall not be counted for the purposes on this rule. A subject-to-call employee who has not been scheduled to work during the evaluation period shall not be evaluated due to insufficient opportunity for observation and shall not be entitled to an Annual Pay Increase for the year. An Appointing Authority may grant an alternative discretionary pay increase under Rule IV, 2.3, subject to applicable provisions governing such increases pursuant to an established department-wide policy, or Parish-wide policy established by the Parish President.

- 1.4 The basic performance evaluation of each employee shall be made and provided to the employee by the employee's immediate supervisor. The Appointing Authority shall review the employee's and supervisor's comments and assign an overall evaluation. The Appointing Authority or his designated agent shall calculate the numerical value of the evaluation and determine the merit pay increase percentage as provided under Rule IV, Section 2.1. The Appointing Authority, the immediate supervisor, and the employee shall sign the overall evaluation.

In the event that the immediate supervisor or the Appointing Authority is on extended leave of

absence and unable to meet these obligations, the responsibility for performance evaluation shall be performed as follows. In the absence of the immediate supervisor, the Appointing Authority may perform the basic performance evaluation and may gather input from other employees familiar with the employee's work performance for use in the evaluation or may assign the task to an intermediate supervisor deemed sufficiently familiar with the employee's work performance. In the absence of the Appointing Authority, the overall evaluation may be delegated to an intermediate supervisor or other supervisor delegated to act for the Appointing Authority in his absence.

Employee performance evaluations may be performed by other individuals and subject to other conditions only with prior approval of the Personnel Board, limited to situations in which the supervisor's or Appointing Authority's completion of the evaluation would constitute a prohibited transaction under state and/or local law, or other situations in which the Board believes that reassignment of performance evaluation responsibilities is in the best interest of the parties involved or in the best interest of the Parish service.

- 1.5 Discussion of an evaluation with the employee is mandatory if the evaluation is Below Expectations or Needs Improvement in any category, or if the employee is on Probation. Discussion of other evaluations of Permanent status employees is not required, but is recommended to reinforce desirable performance. In any case, the employee shall be provided the immediate supervisor's (or other authorized rater's) basic evaluation for review, comment and signature, and upon completion of the overall evaluation by the Appointing Authority (or other authorized rater), shall be provided the completed performance evaluation for review and signature. A copy of the evaluation shall be provided to the employee upon request.
- 1.6 Performance evaluations are management judgments by appropriate supervisory authority and subject to section 1.8, below, are not appealable to the Personnel Board until and unless they result in some form of appealable action specified elsewhere in these Rules.

Any employee who receives an overall evaluation of Needs Improvement or Below Expectations on an annual evaluation shall be reevaluated not sooner than two (2) months nor later than six (6) months after the effective date of that evaluation. Any employee who receives an overall evaluation of Needs Improvement on an annual evaluation and receives a reevaluation of Meets Expectations or higher, shall be granted a pay increase at that time as provided under Rule IV. Any employee who is reevaluated as required under this Rule and receives an overall evaluation of Needs Improvement shall not be eligible for an annual pay increase. It shall be the duty of the Appointing Authority to reassign, demote, or dismiss any employee who receives two successive overall evaluations of Below Expectations on an annual performance evaluation or a reevaluation required under this Rule.

- 1.7 Each employee performance evaluation shall be retained in the files maintained by the Appointing Authority. A copy of the evaluation form shall be forwarded to the Personnel Department for review along with the employee pay raise form. The Personnel Department shall review the performance evaluation and pay raise form for compliance with the performance evaluation process as provided in these Rules and the Director's instructions. Deficiencies or errors shall be reported in writing to the appropriate Appointing Authority who shall take corrective action, provide written notification of the correction(s) to the supervisor and employee involved, and resubmit the corrected form(s) within ten (10) working days. Pay increases granted based on corrected evaluations shall be retroactive to the pay period immediately following the employee's pay raise eligibility date, or in the case of a reevaluation, the date of the reevaluation.

- 1.8 In any case in which a performance evaluation is not made as provided herein above, the employee shall have the right to appeal this failure to evaluate to the Personnel Board. This appeal right shall continue until such time as the performance evaluation is made and applicable pay increase is granted if required, but in no case shall extend beyond thirty (30) calendar days from the date of the employee's signature of or refusal to sign an original or corrected evaluation or reevaluation, or sixty (60) calendar days from the employee's pay raise eligibility date, which ever occurs first.

An employee appealing under this section shall state the alleged procedural omission(s) by his supervisors with specificity.

In its decisions resulting from appeals hearings taken under this section, the Board may remand the matter to the Appointing Authority with instructions to perform the performance evaluation and grant a pay increase if required. Annual pay increases shall be retroactive to the pay period immediately following the employee's pay raise eligibility date or in the case of a reevaluation, the reevaluation date, or other date prescribed by the Board.

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, the appointing authority having jurisdiction over the organization unit involved, or his designated representative, shall notify the Director of the need and reasons for the reduction and shall designate the class to be reduced not later than forty-five (45) calendar days prior to the proposed effective date of reduction in force. 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 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 2. SUCCESSION OF LAYOFFS

- 2.1 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) conditional and temporary appointees as outlined in Rule VII, Sections 5.1, 5.2, and 5.3;
 - (b) working test employees certified from original entrance eligible lists to permanent positions;
 - (c) regular employees, in the manner specified in this Rule.
- 2.2 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.
 - 1. The employee having the lowest average performance evaluation for the last three (3) years of his service immediately preceding the proposed layoff date, or for the entire period of less than three (3) years, shall be laid off. For purposes of this section, performance evaluations shall be considered effective on the employee's Pay Raise Eligibility Date. The method prescribed elsewhere in these Rules for determining an average performance evaluation shall be followed.
 - 2. In the absence of a performance evaluation, or in case of equal performance evaluation, the order of layoff shall be processed in inverse order of seniority in the class.
 - (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 he wishes to retain this individual in preference to a person of greater seniority, he 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.

- 2.3 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 permanent appointment with the Parish;
 - (b) by the total length of continuous employment under a permanent appointment plus the total length of prior interrupted service under a permanent 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 re-entry into Parish employment by a regular employee who was separated from the Parish service by resignation; provided, however, that half credit shall be allowed for prior service under a permanent appointment with the Parish in excess of forty-eight (48) months, if the break in service occasioned by resignation does not exceed thirty-six (36) months;
 - (d) from the date of re-entry into Parish employment by an employee who was separated from the service for cause and subsequently rehired.
 - (e) employees who have established their permanent domicile in Jefferson Parish shall have three (3) years service credit added to their seniority. The Personnel Director shall require each employee potentially affected by layoff to complete a certification confirming his permanent domicile prior to adding service credit to the employee.
- 2.4 In the event two (2) or more regular employees have like seniority, the employee entitled to preferential treatment as a honorably discharged member of the Armed Forces or entitled to preferential treatment as a dependent of a former member of the Armed Forces, shall be laid off last. When two (2) or more regular employees have like seniority 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.
- 2.5 Should a regular employee be scheduled for layoff as a result of having the lowest ranking on the order-of-layoff list for the class in which a layoff is contemplated but have an equal average service rating and more seniority or a higher average service rating than an employee in a lower class of the same kind of work in the organization unit, he 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.
- 2.6 Once the Director receives formal notice of an impending layoff but before the layoff is affected, the Director may approve the transfer of employees to vacant positions which are not affected by the layoff in order to vacate positions to be abolished. The following provisions regarding the transfer of employees potentially affected by the layoff shall apply;
- (a) 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.

- (b) An employee on an order-of-layoff list who is not scheduled for layoff or demotion may be voluntarily transferred to an equal or lower position which is not affected by the layoff and which the appointing authority and the Director deem the employee is competent to fill.
- (c) An employee on an order-of-layoff list who is scheduled for layoff or demotion may be voluntarily transferred or demoted to another position in the same class which is not affected by the layoff or to a position in an equal or lower class which is not affected by layoff and which the Director deem the employee is competent to fill, provided that:
 - 1. the employee has the highest average service rating and seniority of all employees on the same order-of-layoff list or an order-of-layoff list for another class of the same kind of work who are also scheduled for layoff or demotion and who could also be considered for transfer into the position; and,
 - 2. when there are multiple vacant positions available, the highest level position shall be offered first and shall be offered to the highest ranking employee eligible under this section.
- (d) Nothing in this section shall preclude the transfer of an employee under Rule VII, Section 1.2, provided that the employee is eligible for voluntary transfer under this section.

Section 3. PROCEDURE

- 3.1 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 effected until the Director has approved the names submitted for layoff.
- 3.2 Employees shall be sent to the Department of Personnel for an exit interview prior to layoff. During the exit interview, re-employment rights will be explained to the employees.
- 3.3 When laid off, employees, other than transient, must be paid their accumulated annual leave on the next issued pay check following separation from the service.
- 3.4 The name of every regular employee who is laid off, or transferred to another position as a result of the layoff process, shall be placed on an appropriate re-employment list by the Department for a period not to exceed two (2) years from the date of layoff. All such names shall be ranked by seniority within class and shall remain on the re-employment list and be governed by the provisions of Rule VII, Section 4.
- 3.5 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.

Section 4. FURLOUGH TO AVOID LAYOFF

- 4.1 For purposes of this policy, furlough means a period of leave without pay required of employees by an appointing authority for fiscal or other valid reasons, in order to avoid a layoff.

4.2 When an appointing authority determines that it is necessary to furlough employees under his jurisdiction in order to avoid a layoff, he may do so, subject to the following provisions:

- (a) Except as provided under sub-section (c), below, furlough must receive approval of the Director, no later than seven (7) calendar days prior to the effective date, based on a written request and justification from the appointing authority. This justification shall include reasons for the furlough, the names and classifications of those employees to be excluded and reasons for their exclusion, the total hours or days of furlough for each employee, the proposed dates and periods of time involved, and the organizational unit(s) affected. In all cases of disapproval by the Director, his decision shall be subject to the Personnel Board's ratification, at its next regularly scheduled meeting.

Furlough under this sub-section (a) shall be reported to the Personnel Department on forms prescribed for this purpose prior to the effective date of the furlough.

Employees furloughed under this sub-section (a) in excess of one bi-weekly pay period or an equivalent number of hours in a period of twelve calendar months and furloughed employees who allege discrimination due to race, color, national origin, sex, religion, age, disability, politics, or other specified cause shall have the right to appeal to the Jefferson Parish Personnel Board within thirty (30) calendar days of the effective date of the furlough.

- (b) An employee shall not be furloughed for more than a total of three hundred twenty (320) work hours or the number of work hours equivalent to forty (40) work days, whichever is the lesser, in any twelve calendar month period, without prior approval of the Personnel Board. The number of work hours equivalent to forty (40) work days shall be computed using the following formula: position's base hours per bi-weekly pay period /10*40 (or, position's base hours per bi-weekly pay period*4).
- (c) Employees who as a condition of employment were appointed as cyclic workers, i.e., workers whose work schedules are governed by fluctuations in the business cycle of Parish programs or operations, may be furloughed by the appointing authority without prior approval of the Director when such furloughs are consistent with the conditions of employment approved by the Personnel Department at the time of appointment via forms prescribed for this purpose.

Upon adoption of this sub-section (c) by the Parish Council, an appointing authority may, subject to approval by the Personnel Director, identify current employees within his department or an organizational unit thereof as cyclic workers for purposes of this sub-section where such designation shall apply to all current employees and all future appointments in a given job classification within the department or unit. Upon approval by the Personnel Department, each employee shall be notified in writing by his appointing authority of his designation as a cyclic worker and of the associated specific conditions of employment. Employees so designated shall have the right of appeal to the Jefferson Parish Personnel Board within thirty (30) calendar days of such designation or notice of same. Employees furloughed under this sub-section (c) shall not have the right of appeal from furlough.

Furlough under this sub-section (c) shall be reported to the Personnel Department on forms prescribed for this purpose not later than seven (7) calendar days prior to the effective date of

the furlough.

- (d) In every case of furlough, the appointing authority shall furnish to the employee involved a written statement of the reasons therefore. In the case of furloughs under sub-section (a), the written notice shall also inform the employee of his right of appeal to the Personnel Board within thirty (30) calendar days of the date of a furlough if it exceeds one bi-weekly pay period or an equivalent number of hours in a period of twelve calendar months or if the employee makes a specific allegation of discrimination due to race, color, national origin, sex, religion, age, disability, politics, or other specified cause, of the address of the Department of Personnel, and of the fact that forms to assist in the filing of an appeal may be obtained from the Department of Personnel. In addition, the appointing authority shall forward to the Director of Personnel a copy of the notification sent to the employee. In any case of alleged inability to furnish the required written notice to a furloughed employee, the Personnel Board may require evidence, and shall be the sole judge, of the sufficiency and timeliness of the effort.

4.3 As an alternative to furlough as provided above, an appointing authority may determine that it is necessary and appropriate to reduce the work hours of employees in order to avoid or reduce layoffs. In such cases, his request is subject to the following:

- (a) Reduction in working hours must receive approval of the Director, no later than seven (7) calendar days prior to the effective date, based on a written request and justification from the appointing authority. He shall include the reasons for the reduction, the names and jobs of any employees to be excluded and reasons for their exclusion, the number of work hours reduced for each employee, and the proposed effective dates and periods of time involved.
- (b) Such reductions shall not exceed one period of twelve (12) consecutive months.
- (c) The number of work hours reduced for an employee shall not exceed the equivalent of two days per bi-weekly pay period and, for employees who are members of the Parish and/or State retirement system, shall not reduce the work week below the minimum twenty-eight (28) hours required for system membership.
- (d) While on a reduced schedule under this section, employee leave accumulation and usage rates shall be adjusted accordingly; however, accumulated leave balances shall be adjusted as provided under Rule IX, Section 2.8 only in the event of a permanent reduction in hours.
- (e) A reduction in hours request may be disapproved where the Payroll Officer determines that it cannot be implemented due to limitations of the automated payroll system.
- (f) Employees whose hours are reduced under this section in excess of the equivalent of ten (10) normal working days (position's base hours per week/5) in a period of twelve (12) calendar months or who allege discrimination due to race, color, national origin, sex, religion, age, disability, politics, or other specified cause shall have the right to appeal to the Jefferson Parish Personnel Board within thirty (30) calendar days of the effective date of the reduction. In every case of a reduction of hours under this section, the appointing authority shall furnish to the employee involved a written statement of the reasons therefore. The written notice shall also inform the employee of his right of appeal to the Personnel Board within thirty (30) calendar days of the date of the reduction if the reduction is in excess of the equivalent of ten

(10) normal working days (position's base hours per week/5) in a period of twelve (12) calendar months or if the employee alleges that the reduction resulted from discrimination due to race, color, national origin, sex, religion, age, disability, politics, or other specified cause, of the address of the Department of Personnel, and of the fact that forms to assist in the filing of an appeal may be obtained from the Department of Personnel. In addition, the appointing authority shall forward to the Director of Personnel a copy of the notification sent to the employee.

RULE XIV

VETERAN PREFERENCE

Section 1. VETERAN PREFERENCE AND PERSONS ELIGIBLE FOR PREFERENCE

1.1 As subsequently enumerated in this rule, preference shall be accorded to persons honorably discharged or discharged under honorable conditions from the Armed Forces of the United States, or to their dependents as subsequently defined in this rule, who served during the following periods:

- (a) April 6, 1917 through November 11, 1918, World War I;
- (b) September 16, 1940 through July 25, 1947, World War II;
- (c) June 27, 1950 through January 31, 1955, the Korean Conflict;
- (d) July 1, 1958 through May 7, 1975, the Vietnam Era; however the period of July 1, 1958 through August 4, 1964, is considered a wartime period only for those who served within the area known as the Vietnam Theater;
- (e) August 2, 1990 through January 2, 1992;
- (f) Any period beginning on the date of any future declaration of war by the Congress or on the date of any future authorization for the use of military force by presidential proclamation or concurrent resolution of Congress under the War Powers Resolution and ending on a date prescribed by presidential proclamation or concurrent resolution of Congress;
- (g) Served on active duty at any time in the armed forces for a period of more than 90 consecutive days (other than for training) any part of which occurred during the period beginning September 11, 2001 and ending August 31, 2010; or
- (h) In a campaign or expedition for which campaign badges or medals have been authorized.

1.2 All persons eligible under this rule who possess at least the minimum requirements imposed for admission to an entrance test or examination, and who earn grades on the test or examination equaling at least the minimum passing score required for eligibility, shall have an additional three (3) points added to their earned grade.

1.3 A preference of five (5) points in original appointments shall be awarded persons eligible for preferential treatment under the provisions of Section 1.1 above of this rule who have one or more physical disabilities recognized by the Veterans Administration to be service-connected; provided, that the preference of five (5) points permitted herein shall not be in addition to the preference of three (3) points permitted under Section 1.2 above; and provided, further, that persons awarded the point-preference permitted herein shall possess at least the minimum requirements imposed for admission to the entrance test or examination and that they earn grades on the test or examination equaling at least the minimum passing score required for eligibility.

1.4 A preference of five (5) points in original appointments may be awarded to the spouse of a disabled

veteran who is in such poor physical condition as to preclude his appointment to civil service jobs in his usual line of work; or to unremarried widows of deceased veterans who served during any of the periods enumerated in Section 1.1 of this rule; or to unremarried widowed parents of veterans who died during any of the periods of service enumerated in Section 1.1 above or who suffered total and permanent service-connected disability during any of the periods; or to divorced or separated parents of veterans who died during any of the periods of service enumerated in Section 1.1 above or who suffered total and permanent service connected disability during any of the periods; provided, that only one five (5) point preference shall be allowed at any one time to any person eligible under this rule; and provided further, that if the five (5) point preference is not being utilized by the veteran either because his physical or mental capacity precludes appointment to a civil service job in his usual line of work, or because of his death, such preference shall be available to his spouse, unremarried widow, or eligible parent, as defined above, in the order specified.

- 1.5 All persons eligible under this rule who possess at least the minimum requirements imposed for admission to a promotion test or examination, and who earn grades on the test or examination equaling at least the minimum passing score required for eligibility, shall have an additional one (1) point added to their earned grades.
- 1.6 All persons described in this rule who become eligible for certification shall be placed on eligible lists and be eligible for appointment in the order and on the basis of the percentage attained in examination or test, after credit of five (5), three (3), or one (1) point, as the case may be, has been added to their earned grades.
- 1.7 Persons claiming any of the preferences provided herein shall submit to the Department proof of eligibility for preference, which, in the case of a veteran or persons claiming preference through a veteran, shall be either the discharge granted the veteran or a properly certified copy of the discharge, and, in the case of a disabled veteran, shall be both the discharge or a certified copy thereof plus a certificate from the Veterans Administration attesting to the existence of service-connected disability.
- 1.8 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 his disability will not interfere with his performance of the duties of the position to which he seeks appointment.

RULE XV

PROHIBITIONS AGAINST POLITICAL ACTIVITIES

Section 1. PROHIBITED ACTIVITIES

- 1.1 No person shall be appointed to, promoted to, demoted from, or dismissed from any position in the classified service of the Parish or in any way favored or discriminated against with respect to employment in the classified service of the Parish because of his political or religious opinions or affiliations.
- 1.2 No employee in the classified service of the Parish shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution to any political organization or for any political purpose except where such payment shall be dedicated and used exclusively for the support of issues involving bonded indebtedness, tax referenda, or constitutional or charter amendments. No employee in the classified service of the Parish shall solicit or take part in soliciting any assessment, subscription, or contribution from any employee in the classified service for any political organization or for any political purpose.
- 1.3 No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in a position in the classified service of the Parish.
- 1.4 No appointing authority, or agent or deputy thereof, or supervisor of any employee, shall directly or indirectly demote, suspend, discharge, or otherwise discipline any person in the classified service of the Parish for the purpose of influencing his vote, support, or other political activity in the primary, general, special, or other election; and no appointing authority, or agent or deputy thereof, shall use his official authority or influence, by threats, promises, or other means, directly or indirectly, to punish or coerce the political action of any employee in the classified service of the Parish.
- 1.5 No employee in the classified service of the Parish shall be a member of any national state or local committee of a political party, or any officer or member of any factional political club or organization, or a candidate for nomination or election to any public office, or shall make any political speech or public political statement in behalf of any candidate, faction, or party, as a part of any political campaign for the nomination or election of public officers, or shall take part in the management of affairs of any political faction or party, or in any campaign, except to exercise his right as a citizen to express his opinion privately, to cast his vote for whom he pleases, and to serve as a commissioner or an official watcher at the polls in any election.
- 1.6 No person elected to public office shall, while serving in such elective office, be appointed to or hold any position in the classified service of the Parish.
- 1.7 "Political Campaign", "Campaign" Defined:
As used in Section 1.5, "political campaign or campaign" 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 or charter amendments by employees in the classified service shall not be prohibited. However, no public funds of, administered by, or under the control of any Parish department, office, agency, special

district, official or employee shall be used to print material or otherwise to urge any elector to vote for or against any proposition involving bonded indebtedness, tax referenda, or constitutional or charter amendments; and, no printed material, stationery, or official Parish letterhead, printed or purchased with appropriated public funds, shall be used to urge any elector to vote for or against any proposition involving bonded indebtedness, tax referenda, or constitutional or charter amendments. This section shall not prohibit the use of public funds for dissemination of factual information relative to a proposition appearing on an election ballot.

1.8 Acceptable Activities for Spouses of Candidates:

When the spouse of a classified employee is a candidate for election to public office, the classified employee may engage in limited activities to support the candidate spouse, notwithstanding the “prohibited activities” set forth in Section 1 above in its entirety. The classified employee may appear in a photograph with his or her spouse who is a candidate for elected office; serve as a host or hostess when the candidate spouse has a party in the couple’s home; attend a fundraiser or other political/social events with his or her spouse and support the campaign while in attendance; and allow community funds to be used to support the campaign. However, the classified employee may not, under any circumstances, solicit contributions or political support, whether accompanying the spouse or not; place a bumper sticker supporting the spouse on the vehicle that the employee normally drives; wear, use, display or distribute fliers, t-shirts, hats, stickers, pins, etc., or any other material supporting the candidate, unless the employee is with the spouse at a political social event; and participate in any type of support of the spouse’s campaign while at work or on duty.

Section 2. REPORT OF 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 Personnel Director, whose duty it shall be to make a thorough investigation concerning the alleged violations and to report his findings to the Personnel Board.

Section 3. BOARD ACTION ON VIOLATIONS

3.1 The Personnel Board, on its own initiative, may at any time investigate any violations of the provisions of this Rule by any person. The Personnel Board, upon the filing of written charges by any person of such violation, shall investigate such charges. Within ninety (90) calendar days after the filing of the charges as herein provided, the Board shall hold a public hearing concerning the charges. If the Board, after public hearing in an investigation instituted either on its own initiative or after charges, shall determine that the person or persons under inquiry did violate any of the provisions of this Rule, the Board is empowered, in its discretion, to order such disciplinary action(s) as the Board deems appropriate, and the appropriate appointing authority shall immediately take such action(s) necessary to comply therewith.

Amendments to the Personnel Rules for the Classified Service

Amendments by Date:

Adopted 06/04/59; Personnel Rules; Ordinance 4074, Summary 393
Amended 04/25/60; Entire Personnel Rules; Ordinance 4552, Summary 913
Amended 02/14/63; Rule IX, Section 5.2; Ordinance 5929, Summary 2161
Amended 04/18/63; Rule VI, Section 3.6, Section 8.1; Ordinance 6023, Summary 2341
Amended 10/15/64; Rule X, Section 1.2; Ordinance 6834, Summary 3190
Amended 11/14/68; Rule IV, Section 3.1; Ordinance 9026, Summary 5421
Amended 07/29/71; Rule IX, Section 11.1; Ordinance 10280, Summary 6674
Amended 11/18/71; Rule I, Section 1.16; Rule II, Section 4.2, Section 4.5, Section 4.8; Rule IV, Section 1.2, Section 2.1-2.3; Rule VI, Section 3.1; Rule VII, Section 1.1; Rule IX, Section 12.1, Section 12.5; Ordinance 10442, Summary 6832
Amended 01/06/72; Rule VII, Section 5.3(1); Ordinance 10511; Summary 6904
Amended 08/16/72; Rule IV, Section 2.1, Section 3.1; Ordinance 10806, Summary 7180
Amended 10/12/72; Rule IX, Section 11.1; Ordinance 10919, Summary 7304
Amended 12/21/72; Rule III, Section 2.1(c); Rule IX, Section 2.3, Section 3.2; Ordinance 10997, Summary 7389
Amended 01/18/73; Rule V, Section 2; Ordinance 11028, Summary 7410
Amended 10/04/73; Rule IX, Section 3.5; Ordinance 11397, Summary 7792
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Amended 09/11/85; Rule IV, Section 2.3(d), Section 2.4; Ordinance 16589, Summary 13747
Amended 01/08/86; Rule IX, Section 4.1; Ordinance 16759, Summary 13972
Amended 04/02/86; Rule IV, Section 4.4, Section 4.6, Section 4.8; Ordinance 16840, Summary 13925
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Amended 08/28/96; Rule IV, Section 4.5; Ordinance 19806, Summary 17540

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Amended 04/09/03; Rule VII, Section 1.2; Rule IX, Section 3.9, Section 15; Ordinance 21836, Summary 20881
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5.9(E), Section 5.9(G); Ordinance 25874, Summary 25315
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Amended 12/18/19; Rule I, Section 1.17, Section 1.37, and Section 1.59; Rule IV, Section 1.3(e) and Section 2.4;
Rule IX, Section 2.1; Ordinance 25926, Summary 25352
Amended 04/08/20; Rule IX, Section 18; Ordinance 25980, Summary 25436
Amended 06/03/20; Rule VII, Section 5.3; Ordinance 25475, Summary 26015
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Amended 01/13/21; Rule XIV, Section 1.1, Section 1.1(g), and Section 1.1(h); Ordinance 26128, Summary 25596
Amended 03/17/21; Rule II, Section 8.1; Ordinance 26167, Summary 25639
Amended 03/31/21; Rule VII, Section 4.5; Rule IX, Section 9.3; Ordinance 26174, Summary 25645
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Amended 05/19/21; Rule VII, Section 5.3; Ordinance 26212, Summary 25691
Amended 08/25/21; Rule II, Section 4.1; Ordinance 26264, Summary 25747
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Amended 09/15/21; Rule III, Section 2.1(c) and Rule VI, Section 8.1(10); Ordinance 26275, Summary 25762
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Amended 11/10/21; Rule I, Section 13 and Section 72; Ordinance 26311, Summary 25796
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Amended 03/09/22; Rule II, Section 5.4 and Section 8.1; Ordinance 26377, Summary 25861
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Amended 12/14/22; Rule II, Section 5.4-5.6; Ordinance 26531, Summary 26032
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Amended 03/15/23; Rule II, Section 4.2; Ordinance 26579, Summary 26088
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Amended 03/06/24; Rule II, Section 4.6; Ordinance 26747, Summary 26265

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Amended 11/18/71; Rule I, Section 1.16; Ordinance 10442, Summary 6832
Amended 11/18/81; Rule I, Section 1.52; Ordinance 14982, Summary 11741
Amended 09/14/88; Rule I, Section 1.35; Ordinance 17590, Summary 14962
Amended 04/24/96; Rule I, Section 1.7; Ordinance 19690, Summary 17403
Amended 09/23/98; Rule I, Section 1.49; Ordinance 20475, Summary 19317
Amended 04/14/99; Rule I, Section 1.2; Ordinance 20660, Summary 19521
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Amended 08/09/00; Rule I, Section 1.7; Ordinance 21039, Summary 19949
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Amended 03/13/13; Rule I, Section 1.7, Section 1.60; Ordinance 24430, Summary 23669
Amended 03/27/13; Rule I, Section 1.45; Ordinance 24442, Summary 23687
Amended 11/04/15; Rule I, Section 1.22, Section 1.32, Section 1.33, Section 1.36; Ordinance 25049, Summary 24375
Amended 10/29/16; Rule I, Section 1.58; Ordinance 25247, Summary 24610
Amended 06/28/17; Rule I, Section 1.37 and Section 1.65, Ordinance 25385, Summary 24761
Amended 11/06/19; Rule I, Section 1.67; Ordinance 25900, Summary 25347
Amended 12/18/19; Rule I, Section 1.17, Section 1.37, and Section 1.59; Ordinance 25926, Summary 25352
Amended 09/01/20; Rule I, Section 35 and 49, Ordinance 26053, Summary 25516
Amended 01/13/21; Rule I, Section 33; Ordinance 26129, Summary 25597
Amended 11/10/21; Rule I, Section 13 and Section 72; Ordinance 26311, Summary 25796

Amendments made to Rule II:

Amended 11/18/71; Rule II, Section 4.2, Section 4.5, Section 4.8; Ordinance 10442, Summary 6832
Amended 08/01/74; Rule II, Section 4.4; Ordinance 11741, Summary 8152
Amended 11/05/86; Rule II, Section 4.5; Ordinance 17073, Summary 14296
Amended 04/05/89; Rule II, Section 4.1-4.9; Ordinance 17720, Summary 15104
Amended 09/02/92; Rule II, Section 4.2; Rule VI, Section 3.1; Ordinance 18585, Summary 16111
Amended 09/25/96; Rule II, Section 6; Ordinance 19835, Summary 17574
Amended 05/21/97; Rule II, Section 5, 5.3(1)-(7), Section 7, Ordinance 20032, Summary 17813
Amended 07/09/97; Rule II, Section 4.1; Ordinance 20069, Summary 17850
Amended 04/25/01; Rule II, Section 4.1; Ordinance 21268, Summary 20210
Amended 04/13/05; Rule II, Section 7.1; Ordinance 22475, Summary 21595
Amended 11/15/06; Rule II, Section 7; Ordinance 22925, Summary 22080
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Amended 03/27/13; Rule II, Section 4.6, Section 4.7, Section 5.3(2), Section 5.3(3), Section 5.3(4); Ordinance 24442, Summary 23687
Amended 12/10/14; Rule II, Section 4.5, Ordinance 24884, Summary 24182
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Amended 08/18/19; Rule II, Section 6.1; Ordinance 25866, Summary 25308
Amended 01/13/21; Rule II, Section 4.7, Section 4.9, Section 5.1, Section 5.2, Section 5.3, and Section 5.4; Ordinance 26127, Summary 25595

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Amended 08/25/21; Rule II, Section 4.1; Ordinance 26264, Summary 25747
Amended 03/09/22; Rule II, Section 5.4 and Section 8.1; Ordinance 26377, Summary 25861
Amended 12/14/22; Rule II, Section 5.4-5.6; Ordinance 26531, Summary 26032
Amended 01/04/23; Rule II, Section 6.1; Ordinance 26553, Summary 26055
Amended 03/15/23; Rule II, Section 4.2; Ordinance 26579, Summary 26088
Amended 04/12/23; Rule II, Section 6.1; Ordinance 26589, Summary 26097
Amended 03/06/24; Rule II, Section 4.6; Ordinance 26747, Summary 26265

Amendments made to Rule III:

Amended 12/21/72; Rule III, Section 2.1(c); Ordinance 10997, Summary 7389
Amended 02/22/17; Rule III, Section 1.3; Ordinance 25315, Summary 24679
Amended 02/27/19; Rule III, Section 1.3 and Section 1.4; Ordinance 25748, Summary 25166
Amended 09/15/21; Rule III, Section 2.1(c); Ordinance 26275, Summary 25762

Amendments made to Rule IV:

Amended 11/14/68; Rule IV, Section 3.1; Ordinance 9026, Summary 5421
Amended 11/18/71; Rule IV, Section 1.2, Section 2.1-2.3; Ordinance 10442, Summary 6832
Amended 08/16/72; Rule IV, Section 2.1, Section 3.1; Ordinance 10806, Summary 7180
Amended 08/01/74; Rule IV, Section 2.1, Section 2.2, Section 4.1-4.8; Ordinance 11744, Summary 8172
Amended 01/09/75; Rule IV, Section 1.5; Ordinance 11906, Summary 8317
Amended 01/09/75; Rule IV, Section 1.2(e); Ordinance 11907, Summary 8318
Amended 09/26/79; Rule IV, Section 2.1; Ordinance 14062; Summary 10683
Amended 11/19/80; Rule IV, Section 4.9; Ordinance 14558; Summary 11272
Amended 08/19/81; Rule IV; Ordinance 14867, Summary 11632
Amended 06/16/82; Rule IV, Section 2.1; Ordinance 15198, Summary 12003
Amended 09/11/85; Rule IV, Section 2.3(d), Section 2.4; Ordinance 16589, Summary 13747
Amended 04/02/86; Rule IV, Section 4.4, Section 4.6, Section 4.8; Ordinance 16840, Summary 13925
Amended 04/02/86; Rule IV, Section 4.1; Ordinance 16842, Summary 14044
Amended 09/14/88; Rule IV, Section 5.1; Ordinance 17590, Summary 14962
Amended 01/31/90, Rule IV, Section 1.3(c); Ordinance 17926, Summary 15365
Amended 07/11/90; Rule IV, Section 2.4; Ordinance 18041, Summary 15502
Amended 02/17/93; Rule IV, Section 4.6; Ordinance 18694, Summary 16257
Amended 06/23/93; Rule IV, Section 2.3(c); Ordinance 18784, Summary 16365
Amended 08/28/96; Rule IV, Section 4.5; Ordinance 19806, Summary 17540
Amended 10/21/98; Rule IV, Section 1.1, Section 2.1-2.4, Section 3.1, Section 3.2, Section 4.1; Ordinance 20487, Summary 19328
Amended 07/21/99; Rule IV, Section 1.1-1.5, Section 2.1, Section 2.3, Section 2.4, Section 3.1, Section 3.2, Section 4; Ordinance 20739, Summary 19608
Amended 07/21/99; Rule IV, Section 5.6; Ordinance 20740, Summary 19609
Amended 05/17/00; Rule IV, Section 1.4; Ordinance 20967, Summary 19871
Amended 07/26/00; Rule IV, Section 5.3; Ordinance 21028, Summary 19938
Amended 08/09/00; Rule IV, Section 2.1, Section 2.2; Section 2.3; Ordinance 21039, Summary 19949
Amended 04/25/01; Rule IV, Section 2.1; Ordinance 21268, Summary 20210
Amended 06/20/01; Rule IV, Section 2.1; Ordinance 21307, Summary 20268
Amended 07/18/01; Rule IV, Section 5.3, Section 5.6, Section 5.8, Section 5.9; Ordinance 21331, Summary 20298
Amended 10/10/01; Rule IV, Section 5.3; Ordinance 21411, Summary 20379

Amended 03/20/02; Rule IV, Section 5.6; Ordinance 21543, Summary 20530
Amended 03/20/02; Rule IV, Section 1.3(f); Ordinance 21544, Summary 20531
Amended 08/06/03; Rule IV, Section 1.3(a), Section 1.3(f); Ordinance 21962, Summary 21014
Amended 05/26/04; Rule IV, Section 5.3; Ordinance 22221, Summary 21298
Amended 04/13/05; Rule IV, Section 2.1; Ordinance 22474, Summary 21594
Amended 08/09/06; Rule IV, Section 5.9-5.15; Ordinance 22837, Summary 21982
Amended 12/13/06; Rule IV, Section 2.5, Section 7; Ordinance 22946, Summary 22095
Amended 03/28/07; Rule IV, Section 2.4; Ordinance 23029, Summary 22190
Amended 06/11/08; Rule IV, Section 5.3, Section 5.9; Ordinance 23337, Summary 22508
Amended 01/14/09; Rule IV, Section 7.1; Ordinance 23464, Summary 22651
Amended 09/22/10; Rule IV, Section 7.1; Ordinance 23890, Summary 23092
Amended 04/06/11; Rule IV, Section 1.5; Ordinance 23990, Summary 23211
Amended 03/27/13; Rule IV, Section 1.1, Section 1.3(a); Ordinance 24442, Summary 23687
Amended 10/08/14; Rule IV, Section 1.3(g); Ordinance 24846, Summary 24126
Amended 07/22/15; Rule IV, Section 5.5; Ordinance 24980, Summary 24290
Amended 10/04/17; Rule IV, Section 5.9; Ordinance 25443, Summary 24830
Amended 09/19/18; Rule IV, Section 5.9; Ordinance 25669, Summary 25079
Amended 07/24/19; Rule IV, Section 5.3; Ordinance 25815, Summary 25246
Amended 07/24/19; Rule IV, Section 5.6; Ordinance 25816, Summary 25247
Amended 08/18/19; Rule IV, Section 5.3; Ordinance 25862, Summary 25304
Amended 10/02/19; Rule IV, Section 2; Section 2.3(c) and Section 2.3(d); Ordinance 25870, Summary 25301
Amended 10/02/19; Rule IV, Section 5; Section 5.9(A), Section 5.9(B), Section 5.9(C), Section 5.9(D), Section 5.9(E), Section 5.9(G); Ordinance 25874, Summary 25315
Amended 12/18/19; Rule IV, Section 1.3(e) and Section 2.4; Ordinance 25926, Summary 25352
Amended 09/01/20; Rule IV, Section 5.3; Ordinance 26053, Summary 25516
Amended 04/28/21; Rule IV, Section 5.3; Section 5.9; Ordinance 26191, Summary 25660
Amended 08/25/21; Rule IV, Section 5.9C.a.i.; Ordinance 26265; Summary 25748
Amended 09/15/21; Rule IV, Section 5.8; Ordinance 26276, Summary 25763
Amended 11/10/21; Rule IV, Section 5.9; Ordinance 26312, Summary 25797
Amended 11/10/21; Rule IV, Section 2.1 and Section 6.1; Ordinance 26313, Summary 25798
Amended 11/08/23; Rule IV, Section 1.2; Ordinance 26702, Summary 26214

Amendments made to Rule V:

Amended 01/18/73; Rule V, Section 2; Ordinance 11028, Summary 7410

Amendments made to Rule VI

Amended 04/18/63; Rule VI, Section 3.6, Section 8.1; Ordinance 6023, Summary 2341
Amended 11/18/71; Rule VI, Section 3.1; Ordinance 10442, Summary 6832
Amended 11/08/73; Rule VI, Section 3.1; Ordinance 11431, Summary 7823
Amended 08/01/74; Rule VI, Section 3.3; Ordinance 11744, Summary 8172
Amended 11/19/80; Rule VI, Section 3.1; Ordinance 14560, Summary 11274
Amended 08/29/90; Rule VI, Section 5.1; Ordinance 18081, Summary 11537
Amended 11/07/90; Rule VI, Section 10.1-10.12; Ordinance 18138, Summary 15596
Amended 04/10/91; Rule VI, Section 10.3(B); Ordinance 18250, Summary 15728
Amended 04/10/91; Rule VI, Section 3.3; Ordinance 18254, Summary 15732
Amended 11/06/91; Rule VI, Section 10.11(A), Section 10.11(B); Ordinance 18402, Summary 15895
Amended 09/02/92; Rule VI, Section 3.1; Ordinance 18585, Summary 16111

Amended 09/15/93; Rule VI, Section 10, Section 10.1(14), Section 10.3(D), Section 10.5, Section 10.7, Section 10.8, Section 10.9(A)-(C), Section 10.10, Section 10.11, Section 10.12(D), Section 10.13; Ordinance 18869, Summary 16473
Amended 07/20/94; Rule VI, Section 10.11(C); Ordinance 19148, Summary 16776
Amended 09/25/96; Rule VI, Sections 10.1-10.13; Ordinance 19835, Summary 17574
Amended 07/09/97; Rule VI, Section 10.2(B); Ordinance 20066, Summary 17812
Amended 07/08/98; Rule VI, Section 10.2(B), Section 10.2(E); Ordinance 20401, Summary 18236
Amended 09/23/98; Rule VI, Section 10.3(B); Ordinance 20474, Summary 18296
Amended 04/14/99; Rule VI, Section 9.1, Section 10.5(2); Ordinance 20660, Summary 19521
Amended 01/10/01; Rule VI, Section 3.3, Section 3.5, Section 8.1(11); 21174, Summary 20112
Amended 05/23/01; Rule VI, Section 3.5A(6), Section 8.1 (11); Ordinance 21286, Summary 20241
Amended 10/10/01; Rule VI, Section 10.3(B); Ordinance 21412, Summary 20380
Amended 03/17/04; Rule VI, Section 3.5A(4), Section 8.1(11), Section 10.9(C); Ordinance 22151, Summary 21220
Amended 03/18/09; Rule VI, Section 10.1-10.14; Ordinance 23504, Summary 22644
Amended 04/06/11; Rule VI, Section 3.5(B); Ordinance 23990, Summary 23211
Amended 03/13/13; Rule VI, Section 3.5(A)4, Section 6.4, Section 10.1(15); Ordinance 24430, Summary 23669
Amended 03/27/13; Rule VI, Section 3.5(A)3, Section 8.1; Ordinance 24442, Summary 23687
Amended 08/18/19; Rule VI, Section 10; Ordinance 25866, Summary 25308
Amended 09/15/21; Rule VI, Section 8.1(10); Ordinance 26275, Summary 25762
Amended 11/10/21; Rule VI, Section 10.4 and Section 10.13; Ordinance 26313, Summary 25798
Amended 01/04/23; Rule VI, Section 10.12; Ordinance 26553. Summary 26055

Amendments made to Rule VII:

Amended 11/18/71; Rule VII, Section 1.1; Ordinance 10442, Summary 6832
Amended 01/06/72; Rule VII, Section 5.3(1); Ordinance 10511; Summary 6904
Amended 04/08/81; Rule VII, Section 4.7(3); Ordinance 14709, Summary 11443
Amended 01/31/90; Rule VII, Section 6; Ordinance 17926, Summary 15365
Amended 08/29/90; Rule VII, Section 2.3, Section 3.1, Section 3.3, Section 3.4, Section 3.8; Ordinance 18081, Summary 11537
Amended 08/05/92; Rule VII, Section 5.4; Ordinance 18568, Summary 16094
Amended 06/09/93; Rule VII, Section 5.3(2); Ordinance 18776, Summary 16363
Amended 09/23/98; Rule VII, Section 4.6, Section 4.7; Ordinance 20475, Summary 19317
Amended 04/14/99; Rule VII, Section 5.4; Ordinance 20660, Summary 19521
Amended 07/21/99; Rule VII, Section 3.2; Section 3.9; Ordinance 20740, Summary 19609
Amended 05/23/01; Rule VII, Section 4.6; Ordinance 21286, Summary 20241
Amended 07/18/01; Rule VII, Section 1.2; Ordinance 21332, Summary 20299
Amended 04/09/03; Rule VII, Section 1.2; Ordinance 21836, Summary 20881
Amended 06/04/03; Rule VII, Section 5.4(F)-Section 5.4(H); Ordinance 21902, Summary 20951
Amended 05/26/04; Rule VII, Section 4.1; Ordinance 22222, Summary 21299
Amended 09/22/10; Rule VII, Section 3.2, Section 3.4, Section 5.3; Ordinance 23890, Summary 23092
Amended 04/06/11; Rule VII, Section 3.9, Section 5.4(C); Ordinance 23990, Summary 23211
Amended 04/06/11; Rule VII, Section 5, 5.4(I); Ordinance 23991, Summary 23212
Amended 03/13/13; Rule VII, Section 5.3(3), Section 5.4G, Section 6.1(e), Section 6.4(a), Section 6.7(a), Section 6.10; Ordinance 24430, Summary 23669
Amended 03/27/13; Rule VII, Section 3.2, Section 5.1; Ordinance 24442, Summary 23687
Amended 06/03/20; Rule VII, Section 5.3; Ordinance 25475, Summary 26015
Amended 03/31/21; Rule VII, Section 4.5; Ordinance 26174, Summary 25645
Amended 05/19/21; Rule VII, Section 5.3; Ordinance 26212, Summary 25691

Amendments made to Rule VIII:

Amended 06/16/82; Rule VIII, Section 3.1 and Section 3.2; Ordinance 15198, Summary 12003
Amended 06/23/93; Rule VIII, Section 2.5; Ordinance 18783, Summary 16364
Amended 04/06/11; Rule VIII, Section 3.2; Ordinance 23990, Summary 23211
Amended 03/27/13; Rule VIII, Section 1.4; Ordinance 24442, Summary 23687
Amended 01/12/22; Rule VIII, Section 1.3 and Section 1.4; Ordinance 26340, Summary 25823

Amendments made to Rule IX:

Amended 02/14/63; Rule IX, Section 5.2; Ordinance 5929, Summary 2161
Amended 07/29/71; Rule IX, Section 11.1; Ordinance 10280, Summary 6674
Amended 11/18/71; Rule IX, Section 12.1, Section 12.5; Ordinance 10442, Summary 6832
Amended 10/12/72; Rule IX, Section 11.1; Ordinance 10919, Summary 7304
Amended 12/21/72; Rule IX, Section 2.3, Section 3.2; Ordinance 10997, Summary 7389
Amended 10/04/73; Rule IX, Section 3.5; Ordinance 11397, Summary 7792
Amended 10/10/74; Rule IX, Section 3.8; Ordinance 11812, Summary 8233
Amended 10/31/74; Rule IX, Section 10; Ordinance 11841, Summary 8266
Amended 04/03/75; Rule IX, Section 2.1-2.6, Section 3.1, Section 3.2, Section 3.6, Section 3.7, Section 5.1, Section 11.3; Ordinance 11974, Summary 8399
Amended 09/25/75; Rule IX, Section 2.4; Ordinance 12147, Summary 8588
Amended 07/21/77; Rule IX, Section 3.9; Ordinance 12961, Summary 9393
Amended 08/06/80; Rule IX, Section 11.1; Ordinance 14420, Summary 11114
Amended 11/18/81; Rule IX, Section 3.5(d), Section 12.1, Section 12.2, Section 12.3; Ordinance 14982, Summary 11741
Amended 06/16/82; Rule IX, Section 2.9(2), Section 3.5(c), Section 3.5(d); Ordinance 15199, Summary 12004
Amended 01/08/86; Rule IX, Section 4.1; Ordinance 16759, Summary 13972
Amended 04/26/86; Rule IX, Section 2.1(e), Section 3.8; Ordinance 16870, Summary 14084
Amended 11/05/86; Rule IX, Section 2.3, Section 3.2, Section 13; Ordinance 17073, Summary 14296
Amended 03/07/90; Rule IX, Section 2, 2.1(e)(2); Ordinance 17949, Summary 15388
Amended 04/10/91; Rule IX, Section 8.1-8.3; Ordinance 18253, Summary 15731
Amended 01/08/92; Rule IX, Section 10.3, Section 10.4; Ordinance 18451, Summary 15957
Amended 04/22/92; Rule IX, Section 4.3; Ordinance 18508, Summary 16024
Amended 04/22/92; Rule IX, Section 2.9, Section 3.9; Ordinance 18509, Summary 16025
Amended 04/22/92; Rule IX, Section 5.1(e); Ordinance 18510, Summary 16026
Amended 06/17/92; Rule IX, Section 14.1-14.7; Ordinance 18541, Summary 16057
Amended 02/17/93; Rule IX, Section 14.5; Ordinance 18694, Summary 16257
Amended 11/17/93; Rule IX, Section 15; Ordinance 18910, Summary 16502
Amended 05/21/97; Rule IX, Section 13.1, Section 13.2, Section 13.4, Section 13.5, Section 16; Ordinance 20031, Summary 17811
Amended 01/13/99; Rule IX, Section 2.1(e)(2), Section 2.4, Section 2.6(d); Ordinance 20564, Summary 19420
Amended 04/14/99; Rule IX, Section 2.2, Section 3.1; Ordinance 20660, Summary 19521
Amended 08/09/00; Rule IX, Section 2, 2.1(f), Section 2.6(e), Section 3.7(e); Ordinance 21040, Summary 19950
Amended 10/18/00; Rule IX, Section 9.1-9.6; Ordinance 21113, Summary 20039
Amended 01/10/01; Rule IX, Section 14.1, Section 14.2, Section 14.3; Ordinance 21174, Summary 20112
Amended 07/18/01; Rule IX, Section 4.1, Section 4.4; Ordinance 21331, Summary 20298
Amended 03/20/02; Rule IX, Section 3.8; Ordinance 21542, Summary 20529
Amended 01/15/03; Rule IX, Section 2.6; Ordinance 21760, Summary 20794
Amended 04/09/03; Rule IX, Section 3.9, Section 15; Ordinance 21836, Summary 20881

Amended 08/06/03; Rule IX, Section 2.7, Section 2.8; Ordinance 21963, Summary 21015
Amended 02/18/04; Rule IX, Section 2.7, Section 2.8, Section 3.1; Ordinance 22118, Summary 21180
Amended 01/12/05; Rule IX, Section 3, 3.8; Ordinance 22401, Summary 21515
Amended 03/02/05; Rule IX, Section 2.3, Section 2.6, Section 3.2; Ordinance 22446, Summary 21565
Amended 08/09/06; Rule IX, Section 4.4; Ordinance 22837, Summary 21982
Amended 06/11/08; Rule IX, Section 4.4, Section 4.5; Ordinance 23337, Summary 22508
Amended 01/14/09; Rule IX, Section 15.5; Ordinance 23463, Summary 22650
Amended 09/22/10; Rule IX, Section 2.6, Section 12.1, Section 12.2; Ordinance 23890, Summary 23092
Amended 04/06/11; Rule IX, Section 2.6, Section 11.1; Ordinance 23990, Summary 23211
Amended 04/06/11, Rule IX, Section 17.4; Ordinance 23992, Summary 23213
Amended 03/13/13; Rule IX, Section 11.1, Section 14.2, Section 14.4, Section 14.5, Section 14.6; Ordinance 24430,
Summary 23669
Amended 03/27/13; Rule IX, Section 2.3, Section 3.2, Section 3.3, Section 3.8 (B)(1)(b), Section 3.9(A)(1), Section
3.9(A)(2)(b), Section 9.1; Ordinance 24442, Summary 23687
Amended 09/17/14; Rule IX, Section 3.9(B); Ordinance 24835, Summary 24127
Amended 11/04/15; Rule IX, Section 18; Ordinance 25049, Summary 24375
Amended 01/27/16; Rule IX, Section 9; Ordinance 25074, Summary 24339
Amended 02/17/16; Rule IX, Section 18.1, Section 18.4; Ordinance 25091, Summary 24424
Amended 02/17/16; Rule IX, Section 11.1; Ordinance 25094, Summary 24427
Amended 02/22/17; Rule IX, Section 18.4(B) and 18.4(C); Ordinance 25316, Summary 24680
Amended 06/28/17; Rule IX, Section 3(B) and 3(E); Ordinance 25385, Summary 24761
Amended 09/19/18; Rule IX, Section 1; Ordinance 25667, Summary 25077
Amended 03/20/19; Rule IX, Section 6.1; Ordinance 25757, Summary 25124
Amended 04/03/19; Rule IX, Section 4.1; Ordinance 25770, Summary 25191
Amended 07/24/19; Rule IX, Section 5.1(a); Ordinance 25814, Summary 25245
Amended 07/24/19; Rule IX, Section 4.1(F), Section 4.4; Ordinance 25815, Summary 25246
Amended 08/18/19; Rule IX, Section 10, Section 16, Section 18.3; Ordinance 25862, Summary 25304
Amended 11/06/19; Rule IX Section 2.1 and Section 3.1; Ordinance 25900, Summary 25347
Amended 12/18/19; Rule IX, Section 2.1; Ordinance 25926, Summary 25352
Amended 04/08/20; Rule IX, Section 18; Ordinance 25980, Summary 25436
Amended 09/01/20; Rule IX, Section 19; Ordinance 26053, Summary 25516
Amended 01/13/21; Rule IX, Section 18.1 and Section 18.4; Ordinance 26129, Summary 25597
Amended 03/31/21; Rule IX, Section 9.3; Ordinance 26174, Summary 25645
Amended 09/15/21; Rule IX, Section 11.1; Ordinance 26276, Summary 25763
Amended 11/10/21; Rule IX, Section 12.1 and Section 12.2; Ordinance 26313, Summary 25798
Amended 01/26/22; Rule IX, Section 4.6; Ordinance 26356, Summary 25839
Amended 03/09/22; Rule IX, Section 2.3, Section 3.2, and Section 18.3(G); Ordinance 26378, Summary 25862
Amended 11/08/23; Rule IX, Section 17 and Section 20; Ordinance 26701, Summary 26213

Amendments made to Rule X:

Amended 10/15/64; Rule X, Section 1.2; Ordinance 6834, Summary 3190
Amended 02/24/77; Rule X, Section 1.2; Ordinance 12760, Summary 9196
Amended 06/23/93; Rule X, Section 1.1; Ordinance 18783, Summary 163640
Amended 06/11/97; Rule X, Section 2; Ordinance 20051, Summary 17824
Amended 04/14/99; Rule X, Section 1.1(3), Section 1.1(6); Ordinance 20660, Summary 19521
Amended 02/18/04; Rule X, Section 2; Ordinance 22117, Summary 21179
Amended 05/26/04; Rule X, Section 3; Ordinance 22220, Summary 21297
Amended 03/27/13; Rule X, Section 1.1(5); Ordinance 24442, Summary 23687

Amended 01/13/21; Rule X, Section 1.1; Ordinance 26129, Summary 25597
Amended 11/08/23; Rule X, Section 1.1 and 1.2; Ordinance 26701, Summary 26213

Amendments made to Rule XI:

Amended 06/23/93; Rule XI, Section 5.1; Ordinance 18783, Summary 16364

Amendments made to Rule XII:

Amended 03/31/77; Rule XII, Section 1.1-1.8; Ordinance 12806, Summary 9235
Amended 08/09/00; Rule XII, Sections 1.1-1.8; Ordinance 21039, Summary 19949
Amended 05/08/02; Rule XII, Section 1.4, Section 1.5; Ordinance 21568, Summary 20561
Amended 05/26/04; Rule XII, Section 1.3, Section 1.4; Ordinance 22219, Summary 21296
Amended 03/13/13; Rule XII, Section 1.3; Ordinance 24430, Summary 23669
Amended 03/27/13; Rule XII, Section 1.8; Ordinance 24442, Summary 23687
Amended 01/26/22; Rule XII, Section 1.3; Ordinance 26354, Summary 25824
Amended 06/14/23; Rule XII, Section 1.3; Ordinance 26627, Summary 26139

Amendments made to Rule XIII:

Amended 04/24/96; Rule XIII, Section 1.1, Section 2.1, Section 3, 3.1(d), Section 3.2(a), Section 3.3(e), Section 3.5, Section 3.6, Section 4.3; Ordinance 19690, Summary 17403
Amended 07/09/97; Rule XIII, Section 5; Ordinance 20069, Summary 17850
Amended 08/09/00; Rule XIII, Section 1.1; Ordinance 21039, Summary 19949
Amended 04/25/01; Rule XIII, Section 5.2(a), Section 5.2(c), Section 5.2(d); Ordinance 21268, Summary 20210
Amended 06/04/03; Rule XIII, Section 3.2 (a); Ordinance 21903, Summary 20952
Amended 06/04/03; Rule XIII, Section 5.2(a), Section 5.2(d), Section 5.3; Ordinance 21904, Summary 20953
Amended 03/27/13; Rule XIII, Section 2.1; Ordinance 24442, Summary 23687
Amended 04/03/19; Rule XIII; Ordinance 25769, Summary 25190

Amendments made to Rule XIV:

Amended 11/05/03; Rule XIV, Section 1.1; Ordinance 22047, Summary 21101
Amended 03/07/12; Rule XIV, Section 1.1(e)-(g); Section 1.2, Section 1.4-1.6; Ordinance 24235, Summary 23480
Amended 01/13/21; Rule XIV, Section 1.1, Section 1.1(g), and Section 1.1(h); Ordinance 26128, Summary 25596

Amendments made to Rule XV:

Amended 12/21/77; Rule XV, Section 1.1-1.4; Ordinance 13189, Summary 9639
Amended 02/07/96; Rule XV, Section 1, Section 3, Section 4; Ordinance 19614, Summary 17305
Amended 04/14/99; Rule XV, Section 1.2, Section 1.7; Ordinance 20661, Summary 19522
Amended 04/06/11; Rule XV; Ordinance 23990, Summary 23211
Amended 03/27/13; Rule XV, Section 3.1; Ordinance 24442, Summary 23687
Amended 09/19/18; Rule XV, Section 1.8; Ordinance 25668, Summary 25078