

**JEFFERSON PARISH PERSONNEL BOARD  
RULES OF APPEAL PROCEDURE**

**Rule 1. Petition of Appeal.**

A Petition of appeal must:

- (a) Be in writing; and
- (b) Be signed by the appellant, or on his behalf by an attorney duly licensed to practice law in the Courts of the State of Louisiana; and
- (c) Give the name and mailing address of the appellant, and of his attorney, if any; and
- (d) Contain a clear and concise statement of the actions complained against and a clear and concise statement of the basis of the appeal. Where discrimination or retaliation 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:
  - 1. the date, time and place the discriminatory or retaliatory action took place;
  - 2. the name of the person or agency alleged to have taken the discriminatory or retaliatory action;
  - 3. a description of how appellant's action, conduct or performance was the same as that of other persons who were treated differently;
  - 4. **the names of other persons treated differently and the dates the different treatment occurred;**
  - 5. **a description of events, including the dates and circumstances thereof, which led appellant to believe that the adverse decision was based on his race, color, national origin, sex, religion, age, disability, politics, or other specified cause unrelated to merit-employment considerations. Where a violation of the Charter or a Personnel Rule is alleged to be a basis for appeal, specific facts supporting the conclusion that a violation has occurred must be alleged in sufficient detail to enable the agency to prepare a defense. Persons alleging discrimination or retaliation as a basis for appeal shall bear the burden of proof of their allegations.**
- (e) Give the date on which the action appealed from occurred, or that the appellant learned thereof; and
- (f) State the date that the appellant received written notice of the action complained against, if written notice was given; and
- (g) State the relief the appellant seeks.

**Rule 2. Delay for Making Appeal.**

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. However, if the last day of the period is a weekend or legal holiday, then the delay shall end on the next working business day.

**Rule 3. Facsimile and e-mail transmissions of appeals.**

- (a) Any appeal may be filed to the Personnel Board by facsimile transmission. Filing shall be deemed complete at the time that the facsimile transmission is received and a receipt of transmission has been sent to the sender by the Personnel Department. The facsimile when filed has the same force

and effect as the original. If the facsimile transmission of the appeal is being sent on the 30<sup>th</sup> day of the thirty (30) calendar day appeal deadline, the appeal must be transmitted to the Personnel Department no later than 3:45 p.m. in order to receive the receipt of transmission. **A facsimile transmission is not considered filed until the acknowledgement of receipt has been transmitted.** Facsimile transmissions shall not be accepted on Saturdays, Sundays, holidays, and other non-working days. However, if the last day of the period is a weekend or legal holiday, then the delay shall end on the next working business day.

- (b) Any appeal may also be filed to the Personnel Board by e-mail transmission. Filing shall be deemed complete at the time that the e-mail transmission is sent to the Personnel Department at the following e-mail address: [civilserviceappeals@jeffparish.net](mailto:civilserviceappeals@jeffparish.net). The e-mail when filed has the same force and effect as the original. If the e-mail transmission of the appeal is being sent on the 30<sup>th</sup> day of the thirty (30) calendar day appeal deadline, the appeal must be transmitted to the Personnel Department no later than 3:45 p.m. in order to be considered timely filed.
- (c) Within seven (7) calendar days of the Personnel Department's receipt of the facsimile or e-mail transmission, the original signed appeal must be received in the Personnel Department during established Department working hours. Saturdays, Sundays, holidays, and other non-working days shall not serve to extend this seven (7) calendar day limitation. However, if the last day of the period is a weekend or legal holiday, then the delay shall end on the next working business day.
- (d) If the party fails to comply with the requirements of Subsection c, the facsimile or e-mail filing shall have no force or effect.

#### **Rule 4. Notice of Appeal; Docketing.**

- (a) The Director or his designee shall note the date of filing on each petition of appeal.
- (b) The Director or his designee shall give prompt notice of the appeal and furnish a copy of the petition to the authority or person against whose action the appeal is directed. An appeals docket shall be maintained upon which each appeal shall be docketed in the order filed, be numbered consecutively, and be given an appropriate title.

#### **Rule 5. Summary Disposition of Appeal.**

- (a) All requests for summary disposition must be in writing, except for (b)(5) as outlined below:
- (b) At any time after the docketing of an appeal, but not less than seven (7) days prior to the hearing, a written request may be filed by any interested party for summary disposition thereof on any of the following grounds:
  - 1. That the Board lacks jurisdiction of the subject matter, or of the person against whom relief is sought.
  - 2. That the appellant has no legal right to appeal.
  - 3. That the appeal has not been made in the required manner or within the prescribed period of delay.
  - 4. That the appeal has become moot.
  - 5. That an appellant has failed to appear at the time fixed for the hearing of his appeal, without having been granted a continuance.
  - 6. That the written notice expressing the cause for the action complained against is insufficient; or, that the cause as expressed does not constitute legal ground for the disciplinary action.
  - 7. That the disciplinary action was not taken by the proper appointing authority.
- (c) Any timely request for summary disposition may be supported by admissions of fact and written argument or brief; provided, that:
  - 1. Before hearing, the Board or Referee shall require proof of service of a copy of each such instrument on the adverse party, together with the date of such service; and

2. The adverse party shall have fifteen (15) calendar days after such service, or until the date of the hearing, whichever is sooner, to file with the Director or his designee an opposition to the request which opposition may be supported by written argument or brief.
- (d) If the Board or a referee denies the request or refers it to the merits, it or he may reconsider same at any time prior to its or his final disposition of the appeal.
  - (e) The Board or a referee, on its or his own motion, may at any time summarily dispose of an appeal on any of the grounds listed in Subsection (b) hereof or in accordance with the provisions of Rule 10(e).
  - (f) When the Board summarily disposes of an appeal, its written decision shall be filed with the Director disposing of the case. The Director shall mail a copy of the decision to the parties. The decision shall be final on the date filed with the Director. When a referee summarily disposes of an appeal his decision shall be final in accordance with the provisions of Rules 12(d) and 27.
  - (g) By filing with the Director a written notice of his intention to do so, an appellant may withdraw or abandon his appeal at any time prior to the hearing thereof by the Board or a referee. After an appeal has been heard and prior to rendition of judgment by the Board or a referee, it may be withdrawn or abandoned in writing. The Director shall promptly notify all interested parties of any such withdrawal or abandonment.

**Rule 6. Assigning Appeals for Hearing.**

The Director or his designee shall fix the time and place for the hearing of appeals by the Board or a referee, and, as far as practicable, shall fix them in the order in which docketed, provided that, for good cause shown, the Board, Referee, or Director may upset any fixing and may either relegate the case for refixing to the foot of the docket or give it a special assignment both as to time and place.

**Rule 7. Place of Hearing.**

All appeals shall be heard in a convenient place, accessible to the public in the Parish of Jefferson.

**Rule 8. Notice of Hearing of Appeals.**

The time and place of hearings may be fixed by the Director or referee, in consultation with the parties to the appeal. The Director shall give at least fifteen (15) working days' notice to the appellant and the authority or person against whose action the appeal has been taken of the time and place fixed for the hearing or the taking of testimony; provided, that by consent of all parties this notice may be waived and the appeal may be heard, or the testimony taken, at any time agreeable to all parties.

**Rule 9. Continuance of Appeal.**

- (a) An appeal fixed for hearing, but not yet started, may be continued, without prejudice to the appellant:
  1. By the Director, or the appropriate referee in a referred case, upon submission of justification deemed adequate by the Director or the referee; or
  2. By the Board, for cause deemed sufficient by it; or him; or
- (b) With the approval of the Board, the Director, or the appropriate referee, an appeal fixed for hearing may be continued by consent of all interested parties. If an appellant requests a continuance the Board or the referee, may, in its or his discretion, deny him any compensation for that portion of time lost by reason of the continuance if his appeal be finally sustained.
- (c) No continuance shall be granted except for compelling cause or to serve the ends of justice.

- (d) An appeal fixed for hearing and not started shall be refixed by preference over any appeal continued for any other reason and any appeal subsequently docketed.

**Rule 10. Procedure for Hearing Appeals.**

- (a) All hearings shall be open to the public, except that the Board or Referee may resolve to go into executive session whenever it is deemed necessary under the circumstances.
- (b) Legal representation.
  - 1. Except as is provided below, a party may be represented by an attorney licensed to practice law in Louisiana.
  - 2. When a party is represented by more than one attorney, only one such representative shall be permitted to examine the same witness.
- (c) Subject to the provisions of Subsection (t) of this Rule, the burden of proof as to the facts shall be on the appointing authority and the Board or the referee may, in its or his discretion, require him to open the case.
- (d) 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.
- (e) 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 is a confidential procedure. Any admissions, proposals or offers for settlement will not have any consequences beyond the mediation process. Mediation may not be ordered in disciplinary actions as specified in Personnel Rule X.
- (f) Where appropriate and not inconsistent with these Rules, the rules of evidence applicable to civil trials in the district courts of the State shall be observed in all hearings before a referee or the Board.
- (g) The Board or the referee may require the appellant to give his sworn testimony before hearing any other witness on his behalf, and if the Board or the referee finds from such testimony that he has no just or legal ground to support his appeal, it or he may decline to hear or consider any other evidence and thereupon dismiss the appeal.
- (h) If after hearing appellant's testimony the Board or the referee is of the opinion that he may have just or legal grounds for his appeal, it or he shall permit him to adduce such other evidence, testimonial or otherwise, as may be relevant.
- (i) Affidavits and other ex parte statements shall not be received in evidence without the consent of all parties, except to refresh memory or to discredit a witness.
- (j) Parties and witnesses shall be subject to cross-examination as in civil trials before the courts of the State, and the Board, each member of the Board, or referee may examine and cross-examine any witness.
- (k) The Board or the referee may require that the parties stipulate all undisputed facts.
- (l) The Board or the referee may limit corroborative evidence.
- (m) Where appropriate and not inconsistent with these Rules, hearings and the taking of testimony shall be conducted according to the accepted practice in civil trials before the district courts of the State.
- (n) When a pending case involves substantially the same question of law or fact as presented in a prior case, the Board or a referee, at the request of any party or on its or his own motion, may admit as evidence any part of the record in such previous case as it or he may deem relevant; provided, that in the application of this Rule, no party be deprived of the right to cross examine any adverse witness.
- (o) Subject to the provisions of Subsections (t) and (u), the charges expressed in writing by the appointing authority as cause for demotion, suspension, dismissal, or other action, shall not be accepted as prima facie true. Evidence shall not be received from an appointing authority to

supplement or enlarge the charges contained in such written document. The appellant may rebut any proof offered by the appointing authority in support of the charges.

- (p) The Board, or a referee, on request of any party, or on its or his own motion, may order that the witnesses in any hearing be separated so as to preclude any witness, other than the parties and their attorneys, from hearing the testimony of any other witness. In the application of this Rule only one person, in addition to counsel, shall represent the appointing authority or any department.
- (q) The Board, or a referee, may fix the total time to be allowed for oral argument, according to the circumstances of each case, and may limit oral argument to one or more issues. Except with special leave of the Board, or referee, only one attorney shall be permitted to present oral argument for any party. The Board or the referee may in any case on its or his own motion invite or allow any member or members of the Louisiana State Bar Association to present oral or written argument on any question of law, provided such oral argument is presented at a hearing when all parties are present, or represented, or that a copy of all written arguments be served on all parties, or their counsel, if any. Service of such written argument shall be made to appear by the certificate of the writer.
- (r) The Board or a referee may take notice of the provisions of the Charter, the Personnel Rules, the Classification Plan, and the Pay Plan without the necessity of an offer in evidence.
- (s) When during the course of a hearing a ruling by the Board is to be made, the presiding Board member shall rule and his ruling shall constitute that of the Board; provided, that should a member of the Board object to such ruling or offer an alternative ruling, the ruling of the Board shall be determined by majority vote of those members present.
- (t) Subject to the provisions of Subsections (o) and (u), when a classified employee alleges that he has been discriminated against because of his race, color, national origin, sex, religion, age, disability, politics, or other specified cause unrelated to merit-employment considerations, the facts expressed in writing by the appointing authority as cause for the demotion, suspension, dismissal, or other action, shall be accepted as prima facie true. Evidence shall not be received from an appointing authority to supplement or enlarge the facts as so expressed. The appointing authority may rebut any proof offered by the appellant employee in contradiction of the facts expressed in writing by the appointing authority. The burden of proof as to the facts shall be on the appellant and the Board or a referee may, in its or his discretion, require him to open the case.
- (u) In combination appeals, where the appellant denies the verity or severity of a portion or all of the charges set forth in writing and where he alleges discrimination with respect to all or a portion of the charges:
  - 1. As to that portion of the facts set forth in writing, the verity or severity of which is denied by the appellant, the burden of proof shall rest upon the appointing authority.
  - 2. As to that portion of the appeal in which the appellant alleges discrimination, the burden of proof shall rest upon the appellant.
- (v) Neither party shall be permitted to introduce evidence, parol or written, the effect of which would be, if admitted, to enlarge the pleadings.

**Rule 11. Pleading in Alternative; Amendment of Pleadings; Service or Notice of Pleadings; Verification of Pleadings.**

- (a) Pleadings may be framed in the alternative provided the allegations contained therein or the relief sought are not inconsistent or mutually exclusive.
- (b) The spirit and purpose of these rules is to provide for liberal amendment of pleadings in the interest of full justice between the parties, provided that in the application of this rule fundamental issues are not changed and the objective of reasonable notice is not defeated.
- (c) Whenever under these rules service is required or permitted to be made, it shall be satisfactory evidence of compliance to introduce proof of mailing a registered or certified letter with an

accompanying return receipt duly signed by the Party, or marked by the United States Postal Service as refused or failed to pick up, provided an uncertified letter was also sent and not returned, upon whom service is sought, or his agent. If the party sought to be served is represented by an attorney, the service shall be made upon the attorney, unless the Board otherwise orders.

- (d) Pleadings need not be verified or accompanied by affidavit. The signature of an attorney shall constitute a certificate by him that he has read the pleading, that to the best of his knowledge, information and belief there is good ground to support it and that it is not interposed for the purpose of delay.

**Rule 12. Referees.**

- (a) The Board may appoint a referee to hear and decide any appeal pending before the Board.
- (b) A referee shall have subpoena power and power to administer oaths as well as the powers granted in these Rules.
- (c) After a referee hears an appeal, he shall prepare a written decision containing his findings of fact and/or conclusions of law which decision shall be filed with the Director. The Director shall mail a copy of the referee's decision to the parties and shall advise the parties of their right to file an application for review of the referee's decision.
- (d) The decision of a referee shall become the final decision of the Board on the date that the referee's decision is filed with the Director unless an application for review of the referee's decision is filed in accordance with Rule 27.

**Rule 13. Subpoena of Witnesses; Production of Documents.**

- (a) The Board, the Director, and any Referee appointed by the Board, shall have the power to order the appearance of witnesses and compel the production of books and papers pertinent to the issues involved in any appeal.
- (b) Any party applying for the issuance of a subpoena for any witness at any hearing must do so in writing at least seven (7) work days before the date fixed for the hearing and must give the name and address of the witness to whom the subpoena is to be directed together with a brief statement of what he intends to prove by the testimony of such witness. Written applications may be submitted to either office of the Personnel Department during established Department working hours.
- (c) In lieu of the issuance and service of formal subpoenas the Board or Referee may order any appointing authority to order a designated employee under his supervision to attend and testify at any hearing. Any classified employee who refuses to obey the order of his appointing authority to appear and testify at the hearing may be subjected to disciplinary action by the Board or Referee.
- (d) Any party desiring the production of books or papers at any hearing must apply for the issuance of a subpoena duces tecum in writing at least seven (7) work days before the hearing. Such application must describe the books or papers to be produced in sufficient detail for identification, must give the full name and address of the person required to make such production, must state briefly what is intended to be proved by such record or paper, and the materiality must be sworn to by the applicant or his counsel. At the discretion of the issuer, production may be required at either office of the Personnel Department, two (2) working days in advance of a scheduled hearing to permit time for review of voluminous materials and to expedite the hearing process.
- (e) No subpoena will be issued unless the request therefore complies with this Rule and the Board or Referee is satisfied that the testimony of the witness or the production of the books, papers, or other items is relevant to the issues before the Board.
- (f) Authentic copies of books, papers, photographs, or other items in the custody of any department, board, or agency of the Parish which have been subpoenaed may be admitted in evidence with the

same effect as the originals, but if the original books, papers, photographs, or other items are subpoenaed they must be produced and made available for inspection even though authentic copies may be subsequently introduced.

- (g) The Board or a Referee, for cause deemed sufficient, may issue an appropriate order at any time recalling any subpoena, subpoena duces tecum, or request issued under the provisions of this Rule.
- (h) The abuse of the privilege to require the attendance of witnesses or the production of books, papers, photographs, or other items shall be deemed a violation of these Rules and shall be dealt with accordingly by the Board or Referee.

**Rule 14. Dismissal for Non-appearance at Hearing of Appeal.**

- (a) If neither the appointing authority nor his counsel appears at the place and time fixed for a hearing in which a disciplinary action is at issue without having been granted a continuance, the Board or the referee may order the disciplinary action reversed.
- (b) If neither the appellant nor his counsel appears at the place and time fixed for any hearing, without having been granted a continuance, the Board or the referee may order the appeal dismissed.
- (c) If either the appellee or the appellant fails to appear at the place and time fixed for any hearing, but counsel for the absent party is present, the absent party shall be deemed to have waived his appearance and the hearing shall proceed and testimony may be taken in the absence of the party with the same effect as if the party were present.
- (d) If the appellant, or the authority or person against whose action the appeal has been taken fails to appear at the place and time fixed for any hearing, the Board or a referee may proceed with the hearing, and render a decision upon such evidence as may be adduced at the hearing.
- (e) Nothing in this Rule shall prevent the Board or a referee from continuing the appeal if it or he learns the reason for the absence of the party and his attorney and determines that the party and his attorney were absent due to good cause.

**Rule 15. Consolidation.**

When two or more appeals involve similar or related circumstances, the Board may order joint hearing of any or all the matters at issue in the appeals, or may order that all such appeals be consolidated.

**Rule 16. Transcripts of Proceedings of Appeals to the Board.**

- (a) The proceedings of all appeal hearings before the Board or a referee shall be recorded, but shall be transcribed only upon order of the Board, a referee or the Director and upon payment by the person requesting the transcript of such cost as may be determined by the Director.
- (b) Whenever any portion of the Board's Rules, Personnel Rules, Classification Plan, or Pay Plan is relied upon in an appeal to the Court of Appeal and is material to the decision of any issue, the portion relied upon shall be copied into the transcript prepared for the Court of Appeal, Fifth Circuit, if not contained in the Board's written opinion.

**Rule 17. Refusal to Appear or Testify; False Testimony.**

- (a) Any officer or employee in the classified service who willfully or unjustifiably fails to appear before the Board, or, having appeared, refuses to testify or answer any questions pertinent to the matters under consideration shall be subjected to penalty as determined by the Board or Referee.
- (b) No officer or employee who testifies before a hearing of the Personnel Board shall be subjected to any disciplinary action by his appointing authority or a subordinate because of his so testifying.

- (c) Any person who willfully or unjustifiably fails to appear in response to a subpoena, or to answer any relevant question, or to produce any books or papers pertinent to any hearing before the Board or Referee, or who knowingly gives false testimony therein shall be subject to such penalty as the Board may determine.

**Rule 18. Finality of Decisions.**

Decisions and orders shall be final and effective as of the date rendered, as reflected in the decision or order, and shall be filed with the Personnel Director on the date rendered.

**Rule 19. Repealed**

**Rule 20. Board Action on Appeal.**

- (a) After hearing of an appeal, the Board or Referee shall make a written decision containing its findings of facts and conclusions, which shall be filed with the Director.
- (b) The Director or his designee shall mail to all interested parties a copy of the decision. The decision of the Board or Referee shall be final on the day that it is filed with the Director or his designee.
- (c) If the Board or Referee after any hearing orders a dismissed or suspended employee reinstated, it may reinstate such employee under such conditions as it deems proper and subject to relevant provisions of the Personnel Rule of the Classified Service may order full pay for lost time.

**Rule 21. Interlocutory Rulings.**

- (a) Formal exceptions to the interlocutory rulings or orders of the Board, or of a referee, are unnecessary. At the time the ruling is made or the order is communicated, a party shall make known his objection thereto and the grounds therefore, and same shall be noted in the record.
- (b) The Board, or a referee, may at any time prior to a final decision, recall, reverse, or revise any interlocutory ruling or order.

**Rule 22. Definition of "Day".**

Whenever in these rules the word "days" is used, it shall mean working days and shall not include Saturdays, Sundays or legal holidays.

**Rule 23. Amicable Settlement of Appeals.**

In any appeal pending before the Board, the parties thereto may agree to a proposed settlement which is subject to review by the Director to determine permissibility under the Personnel Rules, and which, if not prohibited by the Personnel Rules, shall constitute a final disposition of the appeal.

**Rule 24. Recusation of Board member or Referee.**

The grounds for recusation of a Board member or a Referee shall be the same as the grounds for the recusation of judges of the courts of the State of Louisiana.

**Rule 25. Interrogatories; Pre-Trial Discovery; Rehearing of Appeal.**

- (a) Interrogatories and pre-trial discovery proceedings shall not be allowed by the Board or a referee. Limited pre-trial discovery may be allowed for good cause.
- (b) No rehearing shall be granted from a final decision of the Board or from a final decision of a referee. Final decisions of a referee shall be subject to review as is provided in Rule 27.

**Rule 26. Finality of Board Action on Rules and Plans.**

No appeal to the Board shall lie from the adoption by the Board, after public hearing, of a Classification Plan, a Pay Plan, or of any Personnel Rule, or of any Amendment to said Plans or Rules.

**Rule 27. Application for Review of a Referee's Decision; Delays.**

- (a) Any party may file with the Board an application requesting the Board to review a decision of a referee on any question of law or fact.
- (b) To be effective, an application for review of a referee's decision must:
  - 1. Be in writing; and
  - 2. Be filed and received in the Board's office within thirty (30) calendar days of the date on which the subject referee's decision or order is placed in the mail or sent electronically to the interested parties (whichever occurs first); and
  - 3. Be submitted with a legal brief, which shall contain:
    - (i) The name and docket number of the appeal sought to be reviewed; and
    - (ii) 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
    - (iii) 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
    - (iv) A written argument; and
    - (v) A certificate that a copy of the application for review has been sent to the opposing party.
- (c) 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 as 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.
- (d) 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.
- (e) 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 of time.
- (f) Saturdays, Sundays, holidays and other non-working days shall not serve to extend the thirty (30) calendar day limitation of subsection 2 of this Rule. However, if the last day of the period is a weekend or legal holiday, then the delay shall end on the next working business day.
  - (g) If the application for review is not timely filed, the decision of the referee shall become the final decision of the Board as of the date that the referee's decision was filed with the Director.
  - (h) After consideration of the application for review, along with the pleadings and exhibits specified pursuant to subsection (b)(3)(iii) of this Rule, the Board may:
    - 1. Remand the appeal with instructions to the referee; or
    - 2. Hold hearings or take additional evidence or both, and render its own decision thereon.
      - A. No oral argument, presentation, or live hearing concerning appeals or applications for review will be conducted, except upon the Board's own motion or when ordered by the Board following a request by either party in writing.
      - B. The Board shall have discretion to deny requests for oral argument.
    - 3. Reverse or modify the Referee's decision on an issue of law.
    - 4. Affirm the Referee's decision by denying the application for review.
    - 5. Listen to pertinent portions of the sound recordings of the proceedings conducted before the Referee or read and review the transcript of the proceedings before the Referee, and, thereafter, reverse or modify the Referee's decision on an issue of fact, and/or take any of the actions specified in 1 through 4 above.
  - (i) If the Board affirms the Referee's decision by denying the application for review, the order denying such review shall be filed with the Director at which time the decision of the Referee will become the final decision of the Board. The Director shall mail a copy of the order to all parties.

**Rule 28. Delay for Filing an Application for Review of a Referee's Decision; Stay Order.**

The filing of an application for review shall not stay execution of a decision by the Referee. An application for a stay order 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. Any stay order that is granted shall immediately terminate if an application for review is not filed timely.

**Rule 29. Action Required Following Board's or Referee's Decision.**

- (a) Following the granting of an appeal of a separation and within thirty (30) calendar days from the date of the mailing of the decision, the Appellant shall present himself ready for work at the time and place of his employment as it existed prior to the separation, shall be returned by the appointing authority to the regular payroll at that time, and shall, at that time or as soon thereafter as possible, present to his employer satisfactory proof of all wages earned and unemployment compensation received, if any, during the period of Appellant's separation, or, if no wages or unemployment compensation have been so received, Appellant shall present a written and signed statement to that effect to his employer upon his return. Further, within thirty (30) calendar days following receipt of such information the appointing authority shall deliver to the office responsible for the actual disbursement of the funds representing the back pay due a request for such disbursement which office shall promptly cause such disbursement, and the appointing authority shall otherwise comply with the orders contained in the decision. All of the above shall apply unless otherwise stayed as per Rule 28(b).

- (b) Following the granting of the appeal of a suspension, demotion or reduction in pay, and within thirty (30) calendar days from the date of the mailing of the copy of the decision to all parties or as soon thereafter as possible, the Appellant shall present to his employer satisfactory proof of all wages earned and unemployment compensation received, if any, during the period of suspension, or, if no wages or unemployment compensation have been received, the Appellant shall present to his employer a signed statement to that effect. Within thirty (30) calendar days from receipt of such proof or written statement, appointing authority shall deliver to the office responsible for the actual disbursement of the funds representing the back pay due a request for such disbursement, which office shall promptly cause such disbursement, and the appointing authority shall otherwise comply with the orders contained in the decision, all unless otherwise stayed as per Rule 28(b).
- (c) In the event that a timely application for review of a Referee's decision is filed with the Board, the Appellant shall be notified immediately by a direct mailing by the appointing authority of the application for review to his last known address, in addition to any mailing of that application to Appellant's counsel of record, if any. In such event, the time limits referred to in (a) and (b), above, shall begin to run from the date of the mailing of the decision of the Board denying the application for review or the rendering of a decision on the merits of an appeal following consideration of the application for review. In the event of a remand by the Board following consideration of an application for review, the time limits mentioned in (a) and (b), above, shall not begin to run until the date of the mailing to all parties of the subsequent decision of the Referee.
- (d) In the event all or part of decision granting an appeal is stayed as per Rule 28(b), the time limits specified herein shall begin to run upon the date the decision of the judiciary in the case presented to it becomes final.

**Rule 30. Application for Rehearing or Reconsideration from Board Decision; Stay Order.**

- (a) An application for rehearing or reconsideration of a decision or order by the Board, on an appeal specifically heard and decided by the Board must be filed with and received by the Personnel Department during established Department working hours and within fifteen (15) calendar days of the date on which the subject Board decision or order is mailed to the interested parties. The application must be in writing and must specifically state the grounds for the application; said grounds being limited to:
  - 1. an allegation of the discovery of new evidence which was unavailable at the time of the original hearing or plea and which, if known, would have significantly altered the conclusions reached by the Board, or
  - 2. an allegation of specific error of fact or law which, if corrected, would significantly alter the original decision.
- (b) The filing of an application for rehearing shall not stay execution of a Board decision unless otherwise ordered by the Board. Any delay in the execution of an unchanged Board decision shall be at the expense of the appellant. A stay order may be issued by any one member of the Board, subject to review and ratification by a majority of the Board members at the next meeting. Any stay order that is granted shall immediately terminate if an application for review is not filed timely.

**Rule 31. Appeal from Final Decision of Personnel Board**

Final 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. 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. 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. However, if the last day of the period is a weekend or legal holiday, then the delay shall end on the next working business day.