

# **ST. JOHN THE BAPTIST PARISH**



## **CIVIL SERVICE RULES AND REGULATIONS**

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## CHAPTER 1

### DEFINITIONS

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THESE RULES SHALL HAVE THE FOLLOWING MEANING:

"ABANDONMENT OF POSITION" means the desertion or failure to report to work for a period of three (3) consecutive work days.

"ALLOCATION" means the determination of the class to which a position in the Classified Service shall be deemed to pertain.

"APPEAL" is a petition submitted by a regular employee to the Civil Service Board requesting review of an adverse employment action or decision suffered by the employee.

"APPOINTING AUTHORITY" means the Council and Parish Administration of St. John Parish authorized to make appointments to positions in writing with copies to Civil Service Administrator in the Classified Service of St. John Parish.

"APPOINTMENT" means an offer by an appointing authority to a qualified person of employment in a classified position and the acceptance of such offer.

"BOARD" means the St. John Parish Civil Service Board created by St. John Parish Police Jury Ordinance.

"CIVIL SERVICE ADMINISTRATOR" means the official appointment by the Civil Service Board to administer the St. John the Baptist Parish Civil Service System.

"CLASS" ("GRADE") means one or more positions in the Classified Service so nearly alike in essential characteristics as to warrant like treatment for all personnel purposes.

"CLASSIFIED POSITION" means any office or position in the Classified Service.

"CLASSIFIED SERVICE" means all offices and positions of employment which are in the Classified Parish Service by authority of the Ordinance.

"CONTINUING POSITION" means an office or position of employment in the Classified Service which reasonably can be expected to continue for more than twelve months.

"CONTINUOUS PARISH SERVICE" means uninterrupted status as a classified employee of St. John the Baptist Parish exclusive of interruption caused by authorized leave of absence, layoff of not more than one (1) year, military service consisting of active duty in the armed forces of the United States for not more than six years of voluntary service or an indefinite period of involuntary service, or separation of not more than thirty (30) Calendar days.

"COUNCIL FORM OF GOVERNMENT" means the body governing the affairs of St. John the Baptist Parish, State of Louisiana.

"DEMOTION" means a change of a regular or probationary employee from a position of one class to a position of another class for which a lower minimum rate of pay is prescribed.

"DEPARTMENT" means any officially recognized major unit of Classified Service.

"DETAIL TO SPECIAL DUTY" means the temporary assignment of an employee to perform the duties and responsibilities of a position other than the one to which he is regularly assigned without prejudice to his rights in and to his regular position.

"DISCRIMINATION" means consideration of race, color, national origin, religion, gender, age, disability or any other prohibited factors when making employment decisions.

"ELIGIBLE" means any person who, after receiving a final passing rating in a Civil Service examination, is currently on an eligible list.

"EMERGENCY APPOINTMENT" means a temporary appointment made necessary by an emergency work situation.

"GRIEVANCE" is a written complaint by a regular employee that is presented to the employee's supervisor or Department Director and processed through the administrative structure.

"JOB APPOINTMENT" means a temporary appointment of an employee for work of a temporary nature or to substitute for another employee.

"LAYOFF" means the removal of an employee from a position because of lack of work, lack of funds, or for other causes other than disciplinary ones.

"LEAVE OF ABSENCE WITHOUT PAY" is leave or time off from work granted by the appointing authority, for which period the employee received no pay.

"ORDINANCE" means the rule or law passed by the St. John the Baptist Parish Police Jury creating the Civil Service Board and the St. John the Baptist Parish Civil Service System, together with any subsequent amendments thereto.

"ORIGINAL APPOINTMENT" means initial appointment of a person to a classified position by provisional, probationary, or job appointment.

"PARISH" means the Parish of St. John the Baptist, State of Louisiana.

"PAY" means salary, wages, fees, allowances and all other form of valuable consideration, or the amount of any one or more of them, earned by or paid to any employee, by reason of service rendered in any position, but excludes any allowance for expense authorized and incurred as incidence to employment.

"PAY PLAN" means all the rates of compensation prescribed by the Civil Service Board and approved by the employer for classes of positions in the Classified Service.

"PERSONNEL OFFICER" is the head of the Department of Human Resources, or his/her designee.

"POLITICAL ACTIVITY" is an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election.

"POSITION" means any office and any employment in the Parish Classified Service System.

"PROBATIONARY APPOINTMENT" means appointment of a person to serve a working test period in a position after proper appointment from an eligible list.

"PROMOTION" means a change of a regular 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.

"PROMOTIONAL LIST" means a list, established in conformity with these Rules, of regular employees who have demonstrated their fitness for a higher class position by successfully passing an examination for such higher class position and are eligible for promotion within the same or another department.

"PROVISIONAL APPOINTMENT" means a temporary appointment of a person to a position in the absence of an eligible list for the class, not to exceed one year without Civil Service Board's approval

"PUBLIC HEARING" means a hearing held after public notice of a least (5) days, at which any person may have a reasonable opportunity to be heard, in accordance with such Rules and Regulations as may be adopted by the Board.

"REALLOCATION" means a change in the allocation of a position from one class to another class.

"REASSIGNMENT" means the change within the same department of a probationary or regular employee from a position in one class to another position in a different class, both classes of which have the same minimum rate of pay.

"RE-EMPLOYMENT" means the non-competitive appointment of a person based on regular status attained in former employment in the Classified Service.

"REGULAR APPOINTMENT" means an employee who has successfully completed his probationary (introductory/working test period) period.

"REINSTATEMENT" means the restoration of a former classified employee to duty and pay status pursuant to an order issued by the Board or an appellate authority.

"REMOVAL OR DISMISSAL" means the termination of employment of an employee for cause.

"RESIGNATION" means the voluntary termination, by an employee, of his employment in the Classified Service.

"SERVICE RATING" means the individual rating of an employee made in accordance with the uniform service rating system established by these Rules.

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"SUSPENSION" means the enforced leave of absence without pay of an employee for disciplinary purposes, or during an investigation of alleged misconduct by the employee.

"UNIFORM PAY PLAN" means a pay plan which is uniform in all respects within the department for positions in the Classified Service.

## CHAPTER 2

### CIVIL SERVICE OBJECTIVES, MERIT PRINCIPLES AND APPLICABILITY

#### 2.1 CIVIL SERVICE SYSTEM

There shall be a Classified Civil Service System for the Parish of St. John the Baptist based upon merit, efficiency and fitness, barring discrimination or disciplinary action except for cause, and providing for a right of appeal from such actions.

The Classified Civil Service System shall cover all Parish Employees except:

- A. All elected officials.
- B. All employees specifically excluded in the St. John Parish Home Rule Charter.
- C. Members of Boards, Agencies, Special Districts, and all employees thereof.
- D. Organizations and their employees and other persons who are employed by the Parish on a temporary or contractual basis.
- E. Parish Attorney and his legal assistants, when applicable.
- F. All persons employed and paid exclusively with Federal funds administered by the Parish unless specifically required by Federal regulations or law to be included under this Merit System of Public employment.

#### 2.2 OBJECTIVES

It shall be the purpose of the rules, regulations, and plans adopted by the St. John the Baptist Parish Civil Service Board to:

- A. Establish the means of administering personnel actions in accordance with acceptable merit principles.
- B. Define the rights and responsibilities of employees.
- C. Maintain proper superior-subordinate relationships, attitudes, actions, and communications.
- D. Develop an organization of employees dedicated to providing courteous, dependable, and efficient service to the residents of St. John Parish.

#### 2.3 MERIT PRINCIPLES

The objectives shall be pursued in accordance with the following merit principles:

- A. Recruitment, selection, and advancement of employees shall be on the basis of their ability, knowledge, and skills as ascertained through fair and practical personnel management methods.

- B. Employees shall be compensated equitably and adequately for work performed.
- C. Employees shall be trained as necessary to ensure high quality performance.
- D. Employees shall be retained on the basis of the adequacy of their performance, counseled when that performance is inadequate, and terminated when inadequate performance is not corrected.
- E. Applicants and employees shall be treated fairly in all respects of personnel administration without regard to race, color, national origin, religion, gender, age, disability or other prohibited factors, or political affiliation, and with proper regard for their privacy and constitutional rights as citizens.

#### **2.4 APPLICABILITY**

The rules and regulations contained in this manual will apply to all St. John the Baptist Parish classified employees.

## CHAPTER 3

### ORGANIZATION, RULES, AND POWER OF THE CIVIL SERVICE BOARD

#### 3.1 CIVIL SERVICE BOARD

A Civil Service Board is hereby created which shall be composed of seven (7) members. This Board shall have a Chairman and Vice-Chairman. To be eligible for appointment or to serve as a member of the Civil Service Board, a person shall be a citizen of the United States of America and shall be a qualified voter of the Parish and shall have resided within the Parish for a period of three (3) years prior to his assuming office. No member of the Civil Service Board shall hold an elected office or position in Parish Government except for the elected employee member, nor enter into any partisan political activities.

1. One (1) member shall be appointed by the Director of the Department of Civil Service, State of Louisiana, after consulting with the Executive Vice-President of the Louisiana Civil Service League.
2. One (1) member shall be appointed by the River Area Council of the Chamber New Orleans River Region.
3. One (1) member shall be appointed by the President of Tulane University.
4. One (1) member shall be appointed by the President of Xavier University.
5. One (1) member shall be appointed by the President of Louisiana State University.
6. One (1) member shall be appointed by the President of Southern University.
7. One (1) member shall be appointed by a majority vote of all full time, regular employees of the Parish who fall under the Civil Service Classification.

All appointees shall be submitted to the Parish Council and a 2/3 vote will be required for appointment. Such nominations shall be appointed and approved within 30 days.

Should any of the Appointing Authorities become non-existent, the Parish Council shall designate by Ordinance, a replacement Appointing Authority.

All appointments shall be for five (5) years.

All subsequent appointments shall be for a term of five (5) years each.

Upon the expiration of the term of office of any member of the Civil Service Board, or whenever a vacancy in the office of any member thereof occurs, a successor will be appointed in the same manner as the outgoing member was appointed, and such successive appointment shall be made within sixty (60) days after the expiration or vacancy occurs. Should the Appointing Authority fail to appoint within sixty (60) days the Parish Council shall make the appointment.

Each member shall take the Oath of Office before entering upon the duties of his office. His Oath shall include a statement to uphold the Constitution and laws of the United States, State of Louisiana and the Parish of St. John, and to administer faithfully and impartially the provisions of this Section and the rules adopted under the authority of this Section. The Oath of Office shall be administered by any person having the legal authority to administer oaths.

A member of the Civil Service Board may be removed by the Parish Council, as the case may be, for cause, after being served with written specifications of the charges against him and being afforded an opportunity for a public hearing thereon by the Appointing Authority. The District Attorney of the Judicial District wherein the Civil Service Board member resides may institute such suit, upon his own initiative.

The Parish Council shall advise, within the thirty (30) days provided for the appointment of the Board members, each appointee of his appointment and term of office as a member of the Civil Service Board.

### **3.2 BOARD MEETINGS**

The Civil Service Board shall meet quarterly on the second Wednesday of January, April, July and October. Notice of each meeting shall be given to all members of the Civil Service Board by the Secretary.

The Board shall meet at any time after its original meeting upon the call of the Chairman, who shall give all members of the Civil Service Board due notice thereof. The Chairman of the Civil Service Board shall call, and the members of the Civil Service Board shall attend, one regular meeting of the Civil Service Board within each quarterly period of each calendar year. If the Chairman fails or refuses to call such quarterly meeting of the Civil Service Board, the members of the Civil Service Board shall meet upon written call of any two (2) members mailed five (5) days in advance of the meeting.

### **3.3 DUTIES OF THE BOARD**

The Civil Service Board shall:

- A. Represent the public interest in matters of personnel administration in the services of the Parish Government.
- B. Advise and assist the Parish President with reference to the maintenance and improvement of personnel standards in the administration of Parish service and the classified system.

- C. Advise and assist the employees in the classified service with reference to the maintenance, improvement and administration of personnel matters related to any individual or group of employees.
- D. Make, at the direction of the Parish President, Personnel Director or upon its own motion, any investigation concerning the administration of personnel or the compliance with the provisions of this Ordinance in the Parish services; review and modify or set aside, upon its own motion, any of its actions, and take any other action which it determines to be desirable or necessary in the public interest or to carry out effectively the provisions and purposes of this Ordinance; the findings of all investigations to be reported to the Parish President and Council.
- E. Conduct investigations and act upon complaints by or against any officer or employee in the classified service for the purpose of demotion, reduction in position, or abolition thereof, suspension or dismissal of the officer or employee, in accordance with the provisions of this Ordinance.
- F. Adopt, alter, amend and promulgate rules and regulations necessary to carry out effectively the provisions of this Section. No rule, regulation or order shall be contrary to or in violation of any other provisions, purpose or intent of this Ordinance or contrary to any other provisions of law. No rule, regulation or policy affecting finances shall be effective without approval of the Parish Council and adopted in the Parish Budget.
- G. Adopt and maintain a classification plan and a pay plan; such pay plan shall become effective only after approval by the Civil Service Board, President and Parish Council.
- H. Make reports to the Parish president upon its own motion or upon the official request of the Parish President, regarding general or special matters of personnel administration or with reference to any appropriation made by the Parish Council for the expenses incidental to the operation of the Civil Service Board.
- I. Perform such other policy-making or quasi-judicial duties as may be required under the rules developed pursuant to this Ordinance.

### **3.4 RULES OF ORDER**

The Civil Service Board shall not be bound by rules of order, evidence, or procedure in its meetings, hearings, or investigations except such as Board itself may established.

### **3.5 MEETINGS OPEN TO THE PUBLIC**

All meetings and hearings of the Civil Service Board shall be open to the public except executive sessions.

### **3.6 NOTICE OF MEETINGS**

Notice of each meeting or hearing shall be posted on the bulletin board at the St. John Parish Administration Building in Laplace and the Courthouse in Edgard for a period of at least five days preceding the date of such meeting or hearing.

**3.7 QUORUM AND VOTING**

Four (4) members of the Civil Service Board shall constitute a quorum, and all matter shall be decided by a simple majority of members present at the meeting. A tie vote shall be considered an affirmation by the Board that the appeal is without merit.

Meetings of the Civil Service Board shall be held in accordance with the public meeting laws of the State of Louisiana.

**3.8 SECRETARY OF THE BOARD**

The person assigned to maintain the personnel records shall act as Secretary of the Civil Service Board and shall keep adequate records and minutes of all business and official action.

**3.9 MINUTES AND PROCEEDINGS**

The minutes of the proceedings of the Civil Service Board shall be prepared and maintained by the Civil Service Board's Secretary on behalf of and subject to the approval of the Civil Service Board.

**3.10 APPROVAL OF THE RULES AND AMENDMENTS TO THE RULES**

The rules and amendments to the rules shall be approved by the Civil Service Board at a quarterly meeting and become effective on such date or dates as specified by the Civil Service Board.

Rules and regulations, classified plans and pay plans presently in effect to the employees of St. John Parish will remain in effect until rules and regulations under this amendment have been promulgated.

Any amendment to the Civil Service Rules and Regulations shall be approved by ordinance adopted by majority vote of the Parish Council.

## CHAPTER 4

### DUTIES OF THE CIVIL SERVICE ADMINISTRATOR

4.1 There is hereby created and established the position of Civil Service Administrator to the Civil Service Board. This shall be a competitive position, with selection, appointment and/or removal from office made upon recommendation by the Civil Service Board, with the approval from the governing authority.

Procedures for terminating the Civil Service Administrator shall be in accordance with the Rules and Regulations for Classified Employees.

The duties of the Civil Service Administrator shall be to:

- A. Administer the Personnel System for the Parish.
- B. Prepare personnel rules and revisions for considerations by the Civil Service Board, including prohibitions against political activity.
- C. Interpret and enforce rules adopted by the Civil Service Board.
- D. Establish and maintain a roster of Parish employees.
- E. Serve as Secretary to the Civil Service Board at Civil Service Board meeting.
- F. Establish and maintain such records, forms and procedures as may be necessary to control personnel transactions subject to Civil Service Board authority.
- G. Perform other duties as required by the Civil Service Board.
- H. Advise Department Administrators of other state and federal Laws governing public employees (e.g. Louisiana Code of Governmental Ethics)

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## CHAPTER 5

### CLASSIFICATION PLAN

#### 5.1 CREATING CLASSES AND ALLOCATING POSITIONS

- A. The duties and responsibilities of each position in the classified service of the Parish shall be subject to study and review by the Departmental Director for purpose of recommendation. The position classification plan be devised by the Personnel Officer and approved by the Civil Service Board shall be maintained and administered by the Departmental Director.
- B. Whenever the necessity arises for establishing a new class or revising or abolishing an existing class in the classification plan, the plan must be presented to the Parish President or his designee at a regular quarterly or special meeting for approval before the changes are implemented.
- C. If an employee believes his position has been improperly allocated, he may protest the allocation and request a hearing. The Director or any person designated by him may hold special hearings to determine the facts of each case. The Director or any person designated by him may require the employee or any other party to produce and present pertinent forms or documents. The Director 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 Civil Service Board if dissatisfied with the action of the Director.

#### 5.2 FORCE AND EFFECT OF CLASSES

The Personnel Officer 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 should be given to the essential duties, specific tasks, responsibilities, and qualification requirements of the position in relationship to similar considerations for positions embraced by other classes.
- C. Any code number assigned to a class of position by the Department may be used in all official records of the Parish in place of the actual class title.

#### 5.3 STATUS OF INCUMBENT WHEN POSITION REALLOCATED

When a position is reallocated to a higher class because of gradual change in the duties of the position and if the Director deems it impracticable to hold a competitive examination to fill the

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position, the incumbent, if a regular employee, may continue to occupy the position under the higher classification on a regular basis provided he meets the minimum qualifications for that position. The decision of the Director shall be subject to approval by the Civil Service Board.

## CHAPTER 6

### CIVIL SERVICE PAY PLAN

All changes or additions to the Pay Plan will be initiated through the Civil Service Board. After approval from the Civil Service Board, all changes will be forwarded to the Council for adoption. Upon adoption, Administration is responsible for the implementation of the changes.

For the purposes of administering these Rules and Pay Plan, each pay grade shall consist of fifteen (15) steps including a minimum entrance rate and a maximum rate.

#### **6.1 NEW HIRES AND RE-HIRES**

Pay upon employment shall be at the minimum of the range established for the grade in which the position is allocated except:

- A. When certain economic or employment conditions cause substantial recruitment or retention difficulties of certain positions, and previous approval has been obtained by Civil Service Board to award credit for each year of direct job-related experience in such a position; or
- B. When the employee possesses job-related experience for a position not defined as in 6.1A. In such case, the special entrance rate shall be calculated by the number of years of job-related experience, times fifty percent (x 50%), not to exceed mid-point of the corresponding Grade for the position.

#### **6.2. PROMOTION**

All promotions to a higher grade will result in a pay increase. A promoted employee will receive a pay increase to Step 1 of the new grade unless the employee's current rate is greater than Step 1, in which case the employee's rate will be moved to the next appropriate step in the new grade, which ensures an increase. Advancement in new grade will continue as normal based upon yearly evaluation.

#### **6.3 DEMOTION**

All demotions will be compensated at the same step number in the lower grade.

#### **6.4 REINSTATEMENT**

A former employee reinstated within six (6) months of separation from Parish shall be compensated at the rate of pay prior to termination.

#### **6.5 TRANSFER**

A lateral transfer shall require no pay action.

**6.6 ALLOCATION OR REALLOCATION**

When a position is allocated or reallocated, the incumbent's pay shall be fixed according to the Rules governing pay upon promotion, demotion, or reassignment; whichever is applicable.

**6.7 MERIT INCREASE**

An employee may be granted an annual merit award to the next step on the basis of the employee's proficiency and performance. There will be an annual evaluation of all employees. No employee shall receive a merit increase of more than one step in any fiscal year. All merit increases will become effective on January 1st. All merit increases are contingent on availability of funds.

**6.8 PART-TIME EMPLOYEES**

Part-time employees shall be paid according to the rules applicable to full-time employees in the same class.

**6.9 OVERTIME**

Overtime shall be authorized for proper maintenance of essential Parish services. Overtime shall be allocated as evenly as possible among all qualified employees within a Department. The appropriate Director/ Supervisor must approve all overtime prior to employee working the overtime hours.

**6.10 PAY PERIOD**

Employees shall be paid by check every two weeks for the proceeding two weeks worked. When a scheduled payday coincides with an authorized holiday, checks shall be issued on either the workday preceding or following the holiday, unless unavoidable technical problems prevent same.

**6.11 RATE OF PAY ON DETAIL/TEMPORARY ASSIGNMENT**

When an employee is detailed to special duty in another position, the pay shall not be reduced; but, with the approval of the Personnel Officer, the pay may be increased to the rate the employee could receive upon promotion to such position, provided,

- A. Any such temporary increase granted shall not affect the eligibility for increase in the regular position which the employee would have acquired if the employee had not been detailed.
- B. At the conclusion of the detail, the pay shall revert to the authorized rate of pay in the employee's regular position.

- C. The temporary assignment does exceed six (6) months in length.

## CHAPTER 7

### INTRODUCTORY (WORKING TEST) PERIOD

#### 7.1 EMPLOYEES TO SERVE AN INTRODUCTORY PERIOD

- A. New employees and re-hired employees with a break in service of more than three (3) months appointed to a position in the classified system shall be subject to the introductory period as defined in 7.2A of six (6) months in duration.
- B. All regular employees who have been promoted or transferred to a new position (in cases of employee-requested transfers) are subject to an introductory period as defined in 7.2B of three (3) months upon assumption of the new position. Upon completion of this introductory period, the employee will be given a performance appraisal.

#### 7.2 PERIOD

- A. The introductory period of a New Employee (or Rehired Employee as defined in 7.1A) shall be six (6) months in duration.
- B. The introductory period for regular employees following a promotion or transfer to a new position as defined in 7.1B shall be three (3) months upon assumption of the new position.
- C. At any time during an individual's working test period, the appointing authority may remove an employee if, in the opinion, of the appointing authority the working test indicates that (a) the employee is unable or unwilling to perform their duties satisfactorily, or, (b) their conduct, habits and dependability do not merit their continuance in the service. Upon the removal, the appointing authority shall report to the Civil Service Administrator and to the employee removed, their action and the reason(s) thereof.

#### 7.3 COMPLETION OF INTRODUCTORY PERIOD

- A. Upon any employee completing their working test, the employee will be given a performance appraisal. The appointing authority shall so advise the Civil Service Administrator and furnish a signed statement to the employee of the acceptance of the employee as a regular employee in the respective position, or of the refusal to confirm the employee. If, at the expiration of any such period, the appointing authority fails to confirm or reject the employee, such failure to act shall constitute a confirmation. If a new employee (or rehired employee as defined in 7.2A) is absent from work for longer than five (5) working days during the introductory period, the Parish may extend the introductory period an amount of time equal to the days missed if necessary in order to properly evaluate the employee.

- B. Neither completion of the introductory period nor continuation of employment after the introductory period entitles an employee to remain employed by the Parish for any definite period of time.
- C. Employees defined in 7.1A who are dismissed during their introductory period shall have no right to appeal procedures under these Rules.

## CHAPTER 8

### PERFORMANCE APPRAISALS

#### 8.1 OBJECTIVE

- A. A uniform performance appraisal system shall be established to provide a systematic and job-related basis for obtaining information necessary for supervisors to assess adequacy of individual employee performance, for employees to recognize their own performance improvement needs and as a basis for personnel actions including promotion, correcting inadequate performance and separating employees in cases where inadequate performance cannot be corrected.
- B. Supervisors may conduct informal performance reviews more often if they deem necessary; however, formal performance appraisals of classified employees are due upon the following occasions:
  - 1. At the end of the first three (3) months in a new position for newly promoted or transferred (in cases of employee-requested transfers) employees;
  - 2. Then, on an annual basis during the month of February or March.
- C. Employees shall be given the opportunity to examine the evaluation and make written comments about any aspect of it.

#### 8.2 CREATING AN OFFICIAL RECORD

A rating that complies with these rules becomes official when a copy of the performance appraisal form is given or mailed to the employee.

#### 8.3 EMPLOYEE'S REFUSAL TO SIGN FORM

An employee cannot prevent a rating from becoming official by refusing to sign the performance appraisal form. If an employee refuses to sign any part of the form, the Rating Supervisor shall note on the form that the employee refused to sign, and the date of the Rating session.

#### 8.4 APPEAL PROCESS

The appeals process shall not be used to review or reconsider ratings.

## CHAPTER 9

### EXAMINATIONS

#### 9.1 PUBLIC NOTICE OF COMPETITIVE EXAMINATIONS AND JOB OPENINGS

- A. The Civil Service Administrator shall post at the Courthouse in Edgard, Civil Service Office and the Parish Administration Building in LaPlace a public notice for 10 days in advance of a competitive examination for a job opening within the civil service classification. This will be for the specific purpose of allowing regular St. John Parish employees the opportunity to compete for the position.
- B. Each official notice shall state the place and manner of making application and any other information considered pertinent and appropriate.

## CHAPTER 10

### CERTIFICATION AND APPOINTMENT OF REGULAR EMPLOYEES

#### 10.1 EMERGENCY APPOINTMENT

When an emergency exists and a vacancy must be filled immediately, an emergency appointment may be made of any qualified person. Such appointment must be immediately reported to the Personnel Officer and may not extend for more than one (1) month. The Personnel Officer may withdraw authority from a Department for this type of appointment if evidence discloses that this authority has been willfully abused and improperly used.

#### 10.2 PROVISIONAL APPOINTMENT

When a vacancy is to be filled in a position for which there are no regular employees eligible, the Personnel Officer may then authorize the appointing authority to make a provisional appointment of any person who possesses the qualifications specified in the appropriate standard as requirement for admission to the examination.

#### 10.3 REASSIGNMENT

An appointing authority may, with the approval of the Personnel Officer temporarily reassign within the same Department any position in a different class for which he is qualified, and which has the same minimum entrance rate of pay.

#### 10.4 CHANGE IN HOURS OF WORK

An appointing authority may at his discretion and in the best interest of his department's program change the hours of work of any employee if no change in his class of position is affected.

#### 10.5 DETAIL TO SPECIAL DUTY

- A. When, in the discretion of the appointing authority, the services of an employee are temporarily needed in a position within the Department other than the position to which he is regularly assigned, he may be detailed to perform the duties of such position for a period not to exceed thirty (30) calendar days without change in title or status.
- B. No detail beyond thirty calendar days may be made without change in title or status.

#### 10.6 NONCOMPETITIVE RE-EMPLOYMENT BASED ON PRIOR SERVICE

Subject to the provisions of Sub-section (B) hereof and with the approval of the Personnel Officer, a former regular employee who has been separated from the classified service may, within one year from separation, be non-competitively re-employed in the bottom position in a classification for which he is qualified. This does not apply to regular employees returning from military service.

- A. No former employee whose last separation from the classified service was by removal due to delinquency, misconduct, or unsatisfactory performance, or by resignation to escape possible disciplinary action shall be eligible for noncompetitive re-employment under the provisions of this Rule; nor shall any person acquire eligibility for noncompetitive re-employment through service in a position from which he was separated or demoted for delinquency, misconduct, or unsatisfactory performance.

**10.7 PROMOTION**

Promotions shall first be made by the designation of an eligible regular employee within the classification or secondly by an eligible employee of another classification with the approval of the Board. If none of the above are eligible then the appointment shall be made by the selection of the appointing authority.

**10.8 DEMOTION**

A regular employee may be demoted for cause or at his request, to any position for which he possesses the qualifications specified in the appropriate standards as the requirement for admission to the examination for such position.

## CHAPTER 11

### RETIREMENT PLAN

#### 11.1 GENERAL INFORMATION

The Parochial Employees' Retirement System is a public defined benefit pension plan which provides retirement allowance and other benefits, operating pursuant to LSA-R.S. 11:1901 through 2015. The retirement system has the powers and privileges of a corporation.

#### 11.2 MEMBERSHIP

Per the Parochial Employees' Retirement System of Louisiana, all regular parish government employees who work at least 28 hours a week become members following completion of his probationary period. Membership is cancelled only by death, termination of employment, or retirement.

#### 11.3 ADMINISTRATION OF THE PLAN

The principal features of the retirement plan are updated as changes occur. The plan is subjected to change during each session of the State Legislature.

**CHAPTER 12**

**HOURS OF WORK, VACATION, HOLIDAYS, SICK LEAVE, MISCELLANEOUS**

**12.1 HOURS OF WORK**

The working hours for each full time employee of the Classified Service shall be established:

- A. Hourly paid Employees:  
Forty hours of work shall comprises a work week.  
Working hours shall be set by Department Heads.
  
- B. Office Staff:  
The daily and weekly working hours shall conform to the official office hours of the Department in which the employee is employed. In no case the work will be less than thirty-seven and one-half (37½ ) hours.

**12.2 VACATION BENEFITS**

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Vacation entitlement is earned on January 1 and may be taken between January 1 and December 31 of each calendar year. Employees are required to use their full vacation allowance. Vacation leave can be used in increments of no less than two (2) hours at a time for 8 or 10 hour per day work schedules. Employees are required to fill an Absence Report Form.

**THE RIGHT TO A VACATION**

- 1. Employees who have not completed one (1) year of continuous employment will not be entitled to any vacation.
  
- 2. The amount of vacation to which an employee is entitled depends on his/her length of service as of his/her anniversary date as follows:

<b>Length of Service at Anniversary Date</b>	<b>Vacation Allowance Starting on January 1<sup>st</sup> following Anniversary Date</b>
1 <sup>st</sup> to 2 <sup>nd</sup> year	40 hours
2 years & 1 day through 4 years	80 hours
5 <sup>th</sup> through 14 <sup>th</sup> year	120 hours
15 <sup>th</sup> year through 19 <sup>th</sup> year	160 hours
20 years through 29 <sup>th</sup> year	200 hours
30 years and over	240 hours

3. Vacation time does not accumulate from one year to another.

### **12.3 HOLIDAYS FALLING DURING VACATION**

When a holiday falls on any of the week during which an employee is on vacation, he shall receive an additional day off at a time mutually agreed to.

### **12.4 VACATION RIGHTS FOLLOWING LAYOFF OR RESIGNATION**

1. If an employee leaves before the first anniversary year is completed, he will not be entitled to any vacation time.
2. If an employee leaves during any year following the calendar year in which he completed his first year of continuous employment, he will receive his regular vacation allowance for the year in which he leaves.
3. All earned but unused vacation will be paid upon termination of employment.

### **12.5 VACATION ALLOWANCES UPON DEATH**

1. In the event of death, the next of kin will receive pay in lieu of vacation time, for all earned but unused vacation not taken by the date of death.

### **12.6 VACATION SCHEDULING**

1. Each year in October, supervisory personnel will be asked to consult with all regular employees entitled to vacations, and from such consultations develop a working schedule for vacation periods.
2. The wishes of the employee will be respected as to time of taking vacation as near as the needs of the Parish will permit, giving due consideration to the employee's seniority.
3. Vacations are not to be scheduled so that they carry over from the end of one calendar year into the beginning of the next.
4. "Key" employees may not take vacation at the same time. When "key" employees request overlapping vacation schedules, the individual with the greater seniority will be provided first choice for the schedule.

### **12.7 OTHER USES OF VACATION**

1. Emergency vacations may be used for leaves of absence, including family and medical leave.
2. Emergency vacation may be used for witness duty, military duty, and other absences required by law.

## 12.8 HOLIDAYS

St. John Parish Council observes the following paid holidays:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (Third Monday in January)
- Monday Before Mardi-Gras
- Mardi-Gras
- Good Friday (Friday before Easter)
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- All Saints Day (November 1)
- Veterans' Day (November 11)
- Thanksgiving (Fourth Thursday in November)
- Day after Thanksgiving
- Christmas (December 25)

Holidays falling on a Saturday are normally observed on the preceding Friday. Holidays falling on a Sunday are normally observed on the following Monday.

In addition, any day declared a holiday by the President of the United States, the Governor of the State of Louisiana, or the Governing Body shall be observed as an additional holiday.

### HOLIDAY PAY

1. Employees shall receive holiday pay for each of the above designated holidays not worked at the rate of eight hours' pay at their regular rate of pay.
2. In order to qualify for holiday pay, employees must be on the active payroll, and must work the day before and day after the holiday. The only exception to this rule shall be as approved by the supervisor if the employee is ill and has submitted a doctor's statement, or if the holiday falls during the employee's approved vacation period, or if the employee leaves work on the workday before or after the holiday because of a work-related accident.
3. If a holiday falls within an eligible employee's approved vacation period, the employee shall be entitled to an additional day off at the beginning or end of the vacation period.
4. Holiday pay shall be at the employee's regular straight-time, times his regularly scheduled hours (not to exceed eight hours).
5. An hourly employee who works on a holiday shall be paid their regular time for all hours worked, plus earned holiday pay.
6. An employee will be paid eight or ten hours, depending on the work schedule pay for each approved holiday.

7. An eligible employee on extended sick leave due to illness or accident may be approved for holiday pay by the Supervisor. However, such pay shall not be made after the employee has been away from work for one month. The Department Head reserves the right to request a Doctor's statement of illness prior to making such payment.
8. Part-time, provisional and temporary employees are not eligible for holiday pay. Part-time employees are those whose scheduled work week is thirty-two (32) hours or less.

**12.9 SICK LEAVE BENEFITS**

The Parish Council recognizes that inability to work because of illness or injury may cause economic hardship. The Parish Council also recognizes that employees may require time off to secure necessary treatment for disabilities. For these reasons, paid sick days are provided. Paid sick leave covers all sickness and off-the-job injuries, but, excludes those compensated for under Workman Compensation.

Sick leave can be used in increments of no less than two (2) hours at a time for 8 or 10 hour per day work schedules.

**ELIGIBILITY**

1. Only full-time regular employees with a minimum of six months of employment are eligible for sick pay.

**ACCRUAL SCHEDULE**

1. Employees with six months to three years of services, earn paid sick leave at the rate of eight (8) hours per month.
2. Employees with over three years of services, earn paid sick leave at the rate of twelve (12) hours per month.
3. Employees cannot earn sick leave for any calendar month during which he/she has been on leave, with or without pay, ten (10) or more days.

**CARRYOVER AND PAYMENT**

1. Unused sick days may be carried forward from year to year, with an accrued limit of ninety (90) days.
2. Upon termination, voluntary or involuntary, no payment shall be made for unused sick days.
3. Upon retirement, classified employees shall be paid, a lump sum, for accrued sick days, at the regular hourly rate, as follows:

7 years of service to 15 years	120 hours
16 years of service to 20 years	240 hours

21 years of service to 25 years	360 hours
26 years of service to 30 years	480 hours
31 years of service to 35 years	600 hours
36 years and over	720 hours

4. At retirement, all earned but unused unpaid sick leave days will be forwarded to the retirement system for conversion upon application for normal retirement.

PROCEDURE FOR USE

1. Employees should request the use of a sick day by filling an Absence Form in advance. If advance notice cannot be given, employees shall call-in and upon return, fill the Absence Form.
2. A physician's statement should be attached to Absence Form. (see Policy Absenteeism and Tardiness)
3. For more than six incidents of one-day illness, within a twelve month period, a physician's statement is mandatory.
4. For any incident of illness extending beyond one day, a physician's statement is mandatory.
5. No payment will be made for use of sick time without proper form and/or documentation.
6. Employees who abuse sick leave will be subjected to disciplinary actions described in the policy-Absenteeism and Tardiness.
7. Any employee who has not used more than 10% of his earned accrued sick hours, shall have the option of being paid for up to forty (40) hours after the year ends. Employees electing to be paid for these hours cannot carry the hours over to the succeeding year.

**12.10 MISCELLANEOUS**

Transferring Annual Vacation and Sick Leave between Department:

- A. When an employee changes from employment in one Department to employment in another Department, without a break in service of one or more working days, annual vacation leave and sick leave for the month in which the change of employment occurs shall be credited to the employee by the Department to which he has changed.
- B. All annual vacation leave accrued by an employee for which he is not paid, and all unused sick leave accrued by him whenever he changes from employment in one Department to employment in another Department within a period of thirty calendar days shall be certified by his former Department and shall be credited to the employee.

**12.11 WORKERS' COMPENSATION PAYMENTS**

When an employee suffers a job-related injury or illness 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, upon request:

- A. To the extent of the amount accrued to his credit, may be granted sick leave not to exceed the amount necessary to receive total payments for leave and workers' compensation equal to his regular salary; or;
- B. When his Sick Leave balance is insufficient to take advantage of a), above, may to the extent of the amount accrued to his credit, be granted vacation leave or a combination of vacation and sick leave not to exceed the amount necessary to receive total payments for leave and Workers' Compensation equal to his regular salary; or
- C. Shall be granted Leave Without Pay, subject to the conditions and limitations found elsewhere in the Parish's rules governing leaves of absence and shall receive Workers' Compensation benefits only.

#### **12.12 BEREAVEMENT LEAVE**

During bereavement, a difficult time for all concerned, arrangements have been made to compensate employees for loss of earnings due to an absence because of a death in the immediate family. The policy relating to such absences is as follows:

##### **ELIGIBILITY**

An employee must have completed six months of continuous service in order to qualify for bereavement pay. This benefit does not apply if death in the immediate family occurs while the employee is on a leave of absence, layoff, or absent for any other reason.

##### **PAYMENT AMOUNT**

#### **1. Immediate Family:**

In the event of a death in the immediate family (spouse, parent/stepparent; child/stepchild; sibling) of an employee, it is the policy to provide up to three days off, if necessary, with pay, for normally scheduled work days for the purpose of paying due respect to the deceased and addressing pressing family matter.

#### **2. Other Family Members:**

In the event of a death of a grandparent, grandchild, current father- or mother-in-law, current sister- or brother-in-law of an employee or spouse, a leave of up to one day for the funeral will be granted with the approval of the immediate supervisor, provided the funeral occurs on the employee's scheduled work day.

In the event that additional time is needed, employees are encouraged to use their vacation leave, not sick leave.

#### COMPUTATION OF PAYMENT FOR ABSENCES

Pay for a paid absence is computed at the regular hourly rate to a maximum of eight or ten hours for one day.

Time off granted in accordance with this policy shall be credited as time worked for the purpose of computing overtime.

#### EVIDENCE OF REASON FOR ABSENCE

Your Supervisor or Department Head may request verification of the absence (i.e., death certificate, newspaper article) prior to granting bereavement pay.

### **12.13 SPECIAL LEAVE**

#### A. JURY DUTY

Serving on a jury when called is a civic duty, and as such is fully recognized and supported by the Parish Council. This policy governs the amount of time off and method of payment while serving on jury duty.

##### Procedure:

1. The employee shall present the subpoena which gives instructions to report for jury empanelment, upon receipt, to his Supervisor. A copy shall be retained for the personnel file jacket.
2. Upon selection for jury duty, the employee shall notify his/her Department Supervisor verbally.
3. The employee shall report for jury duty each day as instructed by the court.
4. At the end of jury service the employee shall obtain a Certificate Service issued by the Clerk of Court. The employee shall submit this certificate to his Supervisor upon returning to work.

##### Payment:

To be paid for jury service, the employee must submit to their Supervisor the Certificate Service issued by the Clerk of Court.

1. The employee's Supervisor shall attach to the time sheet the Certificate Service.
2. Employees submitting a certificate shall be paid at the regular rate, up to eight or ten hours per day, for each day served up to ten days, within a twelve-month period.

3. Employees not submitting a Certificate Service shall not be paid.

Parish Administration or the employee may request an excuse from jury duty if, in the administration's judgment, the employee's absence would create serious operational difficulties.

#### B. WITNESS DUTY

Testifying as a witness when called is a civic duty, and as such is fully recognized and supported by St. John Parish Council. This policy governs the procedure for and amount of, paid or unpaid, time off while testifying as a witness.

##### Procedure:

It is the employee's responsibility to notify his Supervisor when in receipt of a witness notice or summons. Appearances in court out of civic responsibility will normally be considered excused time off.

##### Payment:

1. If employees have been subpoenaed as witnesses for the Parish Council, they will receive paid time off for the entire period of witness duty.
2. Employees will be granted unpaid time off to appear in court as a witness when requested by a party other than the Parish Council. Employees will not be paid for this time but, may use vacation leave to receive compensation for the period of this absence.

### 12.14 LEAVES OF ABSENCE

- A. Family and Medical Leave Act (FMLA) Leave -The Parish complies with all federal and state laws governing FMLA.
- B. Military Leave - The Parish complies will all federal and state laws governing military leave.

### 12.15 SICK LEAVE SHARING POLICY

Serious illness can strike employees regardless of how much annual or sick leave they have accumulated. The voluntary Sick Leave Sharing Policy can help to ease the emotional and financial burdens felt by an employee who is seriously ill or has a family member with a medical emergency and who has exhausted all of his or her annual leave and sick leave. This policy allows coworkers to voluntarily transfer some of their sick leave to the qualifying employee. Both donors and recipients benefit from the program because it encourages mutual assistance among fellow workers.

In order to be eligible to become a leave recipient, an employee must be experiencing a "medical emergency". A "medical emergency" is a medical condition of an employee or a family member that would most likely require a prolonged absence from work and would result in a substantial loss of income because of the unavailability of paid leave. Examples of situations which do not constitute medical emergencies include care of a newborn or adopted child, unless extenuating medical circumstances exist, and time off for elective surgery. Employees may donate sick leave hours to an employee who has a medical emergency or has a family member with a medical emergency. An employee (donor) may donate fifty percent (50%) of his annual sick time during any 12-month period. However, the employee (donor) must maintain a minimum balance of sixty (60) days of earned sick leave.

An employee may, when under a physician's care and verified by same, and after using all sick leave and vacation, accept sick time from other employees. This sick time will be transferred to the applying employee upon written request of the donating employee. This transfer is regular and irreversible. A maximum of three hundred twenty (320) hours (40 days for 8-hour employees or 32 days for 10-hour employees) can be accommodated in this fashion.

Additionally, no employee shall donate more than fifty (50%) of their yearly allotted sick time during any twelve (12) month period. A Sick Leave Donation Form must be filled prior to the donation and approved by the Parish President, Department Head and the Donor.

#### **12.16 GARNISHMENTS**

The Parish shall make deductions from an employee's earnings in compliance with court orders.

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## CHAPTER 13

### DISCIPLINARY ACTIONS, SEPARATIONS AND LAYOFFS

#### 13.1 DISCIPLINARY ACTIONS

An appointing authority may take appropriate action to remove, suspend, demote, reduce in pay, reassign or reprimand an employee for cause.

#### 13.2 SUSPENSIONS

- A. Disciplinary suspensions are without pay for three (3) consecutive working days.
- B. Any employee who is suspended without pay shall be so notified in writing by his appointing authority on or before the effective date of the suspension. Each regular or probationary employee so suspended shall be furnished detailed reasons therefore in writing within 15 calendar days following the effective date of the suspension.
- C. An employee may be suspended with or without pay pending investigation when the Parish has reason to believe he has engaged in conduct which, if confirmed, would warrant disciplinary action including termination and the employee's continued presence at work during an investigation of the suspected conduct would be contrary to the best interests of Parish service. The employee shall be informed that he is being suspended pending investigation and the reasons thereof. Suspensions pending investigation are generally for up to fifteen (15) workdays. However, whenever management determines that investigations of a major or critical offense warrant additional time, suspensions pending investigations may be extended for up to fifteen (15) additional workdays.
- D. No suspension without pay shall exceed thirty (30) working days without the approval of the Board.
- E. An employee who has been suspended without pay may be paid for time lost if his conduct, ability, or performance is found after investigation to be such as not to warrant disciplinary or corrective action. Payment on loss compensation should be made by the next full pay period.

#### 13.3 PROCEDURE IN ADVERSE ACTIONS FOR CAUSE, EXCEPT SUSPENSIONS

In every case of removal, demotion or reduction in pay for cause of a regular employee the appointing authority shall furnish to the employee at the time such action is taken, or prior thereto, a statement in writing giving detailed reasons for such action. The appointing authority shall furnish the Personnel Officer and the Civil Service Board a copy of such statement within 15 calendar days or the date the employee is notified. All regular employees are required to be given a pre-termination hearing to present their answer to charges.

#### 13.4 LAYOFFS

Purpose - To provide an equitable means of reducing the work force.

A. Administration

1. In the event of a reduction in the work force for fiscal or other reasons, in each classification to be reduced the employee having the lowest amount of seniority shall be laid off.

B. Designation of Classifications Affected

1. The Department Director or Administrative Officer having jurisdiction over the job classifications to be eliminated shall forward a list of said classifications to the personnel Officer for processing. The classifications thus designated shall include all the employees who are currently employed or who are on authorized leave from positions in that classification.

C. Succession of Layoffs

1. When employees in a designated classification are to be laid off, the order of layoff shall be determined by the Personnel Officer in the following order of succession:
  - a. Seasonal employee/temporary employees
  - b. Part-time employees
  - c. Full-time employees, in the manner herein after specified.
2. Should it become necessary to lay off full-time employees, an order of layoff list for each classification involved shall be established in the following manner:
  - a. Full-time employees shall be laid off in the inverse order of seniority within the classification eliminated, within the grade level, or in a lower grade level of work for which the employee is qualified, in this order.
  - b. All employees demoted to a classification in a lower grade level shall be compensated at the same step in the lower grade classification.
  - c. The employee in the lower classification shall be demoted or laid off in accordance with this Rule.
3. Seniority for full-time employees shall be computed as follows:
  - a. By the total length of continuous, uninterrupted service under full-time employment with the Parish Civil Service System.
  - b. By the total length of continuous service under full-time employment plus the total length of prior interrupted service under full-time employment 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 full-time employee who was separated from the Parish service by resignation; provided, however, that half credit shall be allowed for prior service under full-time employment 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 the Parish employment by an employee who was terminated from the service for cause and subsequently rehired.
4. When two (2) or more full-time employees have like seniority, the Director of the Department shall have the discretion in determining which employee shall be laid off first.

D. PROCEDURE

- A. The Parish President shall submit a list of the job Classifications to be eliminated to the Personnel Officer and the Civil Service Board.
- B. The Civil Service Administrator shall in accordance with these procedures, prepare a list of employees to be laid off.
- C. Full-time employees shall be given written notice of their layoff at least ten (10) work days prior to the effective date of the layoff.
- D. Employees shall be sent to the Civil Service Personnel Office for an exit interview prior to layoff. During the exit interview, re-employment rights will be explained to the employees.
- E. When laid off, employees must be paid their accumulated annual leave and sick leave at the time of separation from the service.
- F. The name of every regular employee who is laid off shall be placed on an appropriate re-employment list by the Personnel Office for a period not to exceed two (2) years from the date of layoff. All such names shall be ranked by seniority within classification.
- G. Upon an employee's layoff, the Parish shall retain compensation due the employee until such time that equipment (i.e., uniforms, vehicle, keys, and tools) provided to the employee is returned.

**13.5 VOLUNTARY RESIGNATIONS**

- A. Whenever the services of a regular employee are terminated by voluntary resignation, the appointing authority shall request the employee to submit a letter of resignation. A copy of such letter shall be submitted to the Personnel Officer and Civil Service Administrator. In

any case where it is impossible or impracticable to secure the letter, the appointing authority shall explain in writing to the Personnel Officer and Civil Service Administrator the reasons why the letter was not furnished.

- B. An employee's resignation, submitted orally or in writing, shall become an accomplished fact upon:
  - 1. Its acceptance by his appointing authority, notwithstanding, that it may include a prospective effect date; or
  - 2. The occurrence of the effective date and time specified by him in his statement of intention to resign.
- C. The preparation of a personnel status change form for the purpose of reporting an employee's resignation shall constitute one type of acceptance of his resignation.
- D. An employee may not rescind or withdraw his resignation.
  - 1. Subsequent to its acceptance by his appointing authority unless such appointing authority agrees thereto.
  - 2. Subsequent to the effective date and time specified in his statement of intention to resign.
  - 3. Subsequent to the terminal date and hour specified in Sub-section (C) thereof.

### **13.6 SPECIAL PROVISION FOR SEPARATION OF SICK OR DISABLED EMPLOYEE**

- A. An employee absent from duty for a period of seven hundred twenty (720) hours during a calendar year because of illness or disabling injury may be removed by his appointing authority. Such removal shall not disqualify him for non-competitive re-employment as provided in Rule 10.6. If family and medical leave (FMLA) and general medical leave are taken during the same 12-month period, the total combined leave time may not exceed seven hundred twenty hours (720) hours.
- B. Notice of such action shall be given pursuant to the provisions of Rule 13.3.

## CHAPTER 14

### GRIEVANCES, APPEALS, HEARINGS, AND TESTIMONY

#### 14.1 GRIEVANCE PROCEDURES

- A. This section deals with the establishment of a grievance procedure in the Classified Service and requires the adoption of a method to settle employee problems in an equitable manner. In any organization it may be expected that conditions leading to dissatisfaction and misunderstanding may arise among employees. Through the establishment of a grievance procedure as outlined in this Part, the departments are provided a means to resolve these problems so employee morale and efficiency may be maintained at the highest level possible. Also, problems that are discovered and resolved through utilization of this grievance procedure *may* serve as a basis for review and change of policies and procedures.
- B. Problems shall be resolved at the lowest possible supervisory level and at the earliest possible opportunity after such problems are recognized. Each employee in the classified service shall have access to the grievance procedure described herein, without fear of reprisal, for the resolution of problems.
- C. A grievance procedure is intended for use when dissatisfaction arises in a day-to-day relationship between employees or between an employee and his supervisor. Only those dissatisfactions which are not appealable to the Civil Service Board should be processed through the Civil Service grievance procedure.
- D. It is suggested that all grievances should be presented by the employee to his supervisor or department head, and if possible, it should be settled at that level through discussion. The department head should render a decision to the employee on the complaint as soon as possible.
- E. The decision to utilize this grievance procedure, although encouraged, shall be the voluntary decision of the individual employee. This procedure is designed to deal with those problems and dissatisfactions that are not appealable to the Civil Service Board. Dissatisfactions other than those listed in Section 14.5, however, are not considered appealable actions and would not follow the appeal process to the Board. The employee should file a grievance with his immediate supervisor and have it processed through the administrative structure. The Parish President's (or designee's) decision shall be final in all cases that are properly processed through this grievance procedure.
- F. Employees should take note that some issues are appropriately handled through an appeal to the Civil Service Board, rather than through the use of this Grievance Procedure. Section 14.5 of these Rules describes various situations that are appealable to the Board for which this Grievance Procedure should not be used. An employee who has received notice of an action that includes his right to appeal that action to the Civil Service Board should not use this Grievance Procedure. Because there are time limits for each process and use of the incorrect process will not alter or extend the time limits for the correct process, employees who do not know which process to use are urged to contact the Civil Service Administrator for guidance, or consult an attorney.

## 14.2 DEFINITION

The term "grievance" shall mean any claim or allegation by any employee and/or group of employees, hereinafter referred to as "grievant", that:

- A. An employee has been treated unfairly, inequitably or in a manner which is arbitrary, capricious, unjust or unreasonable, and such action is not appealable to the Civil Service Board; or
- B. There is a violation of the implementation, enforcement, administration, application and/or interpretation of any applicable law or any rule, regulation, administrative directive, policy or practice of the agency or its agent(s) and such violation is not one that is appealable to the Civil Service Board; or
- C. A condition, situation or circumstance exists which jeopardizes the health or safety of any employee or otherwise adversely affects the welfare and interest of any such person, and the condition, situation or circumstance is not one that is appealable to the Civil Service Board.

**NOTE:** Reports of unlawful harassment should be made through the procedures outlined in the Parish's Equal Employment Opportunity/Anti-Harassment, Including Sexual Harassment Policy and Violence-Free Workplace Policy.

## 14.3 PROCEDURE

- A. The Civil Service Administrator has the responsibility for administering the grievance procedure. Therefore, at each step of the grievance procedure, the grievant and the individual responsible for the response must forward a copy to the Civil Service Office. The grievance must be filed on the official forms which may be obtained from the Parish's website at [www.sjbparish.com](http://www.sjbparish.com) or the Civil Service folder on the Parish's common drive (P:) in Microsoft Word format.
- B. The grievance procedure consists of four (4) formal steps. The grievance can be settled at any step. A brief description of these four steps is as follows:
  - 1. First Step  
All grievances shall be presented within thirty (30) working days from the date the grievant first became aware of, or should have become aware of, the cause of such grievance. The grievance shall be in writing on the appropriate form and submitted to the grievant's immediate supervisor. The supervisor shall render a written decision within seven (7) working days. However, if the supervisor is unable to meet the deadline, additional time may be allowed with the employee's agreement.
  - 2. Second Step  
If the grievant is not satisfied with the supervisor's decision, he shall check the appropriate box on the form and within seven (7) working days present his grievance in writing to the department head. The department head shall investigate; consider the employee's

viewpoint; and furnish the employee a written statement of his findings and recommendations within fourteen (14) working days of receipt of the written grievance.

3. Third Step

In the event the decision of the department head does not satisfy the employee, he shall check the appropriate box on the form and may present his grievance to the Human Resources Director within five (5) working days.

The Human Resources Director may conduct a hearing or whatever investigation is deemed appropriate, and will issue a written decision notifying all interested parties within twenty-one (21) working days following the date the grievance entered the Third Step.

4. Fourth Step

In the event the decision of the department head does not satisfy the employee, he shall check the appropriate box on the form and may present his grievance to the Parish President or his designated representative, within five (5) working days.

The Parish President (or designee) may conduct a hearing or whatever investigation is deemed appropriate and will issue a written decision notifying all interested parties within twenty-one (21) working days following the date the grievance entered the Fourth Step.

- C. The Parish President's (or designee's) decision shall be final in all cases that are properly processed through this grievance procedure.

#### 14.4 VIOLATIONS

Any classified employee who uses his official position to coerce, attempt to coerce, or influence in any improper manner any person involved in the grievance process shall be subject to administrative disciplinary action.

Employees found to have violated this policy in any way may be subject to disciplinary action.

#### 14.5 APPEALS TO THE CIVIL SERVICE BOARD

- A. Regular employees in the classified service shall have the right to appeal to the Board any suspension, withholding of pay, dismissal, layoff, reduction in pay, demotion, alleged discrimination or other adverse employment action or adverse employment decision to test the reasonableness of such action or decision. A written appeal may be filed with the Civil Service Office no later than thirty (30) calendar days after the occurrence of the event having being complained of.
- B. Where discrimination is alleged to be a basis for appeal, specific facts supporting the conclusion of discrimination must be alleged in detail. The specific facts required will vary depending on the nature of the grievance; however, the facts must be alleged in sufficient detail to enable the agency to prepare a defense. A conclusion of discrimination is not sufficient. The types of facts which must be included are:
1. The date, time, and place the discriminatory action took place;
  2. The name of the person or agency alleged to have taken the discriminatory 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, religion, gender, age, disability or any other non-merit factor.
  6. Persons alleging discrimination as a basis for appeal shall bear the burden of proof of their allegations.
- C. All such hearings and investigations conducted by the Board pursuant to the provisions of this Section shall be open to the public except for those where the Board deems it in the best interest of the parties or witnesses to close a hearing based on privacy concerns. No such hearing and investigation shall be held unless both the employee and the appointing authority shall have been advised by the Secretary of the Civil Service Board at least ten (10) days in advance of the date, time and place thereof. If either the appointing authority or the employee fails to appear at the place and on the day and at the hour fixed for such hearing, the Civil Service Board may, at its discretion, decide the issue involved on the basis of the evidence adduced and confined to the question whether such action taken against the said employee was or was not for just cause as set forth in the provisions of this Ordinance. Both the employee and the appointing authority shall be afforded an opportunity to appear before the Board, either in person or with counsel, and present evidence to show that such action was or was not taken for just cause as set forth in the provisions of this Ordinance. The Civil Service Board shall have complete charge of any such hearing and investigation and may conduct it in any manner it deems advisable, without prejudice to any person or party thereto; provided that the procedure followed shall be informal and not necessarily bound by the legal rules of evidence. The Civil Service Board shall be required to have the testimony taken and transcribed. In such cases, the Civil Service Board may name any competent shorthand reporter as the official reporter. The Civil Service Board shall make written finding of the fact within ninety (90) days after receipt of the official transcript. After such investigation, the Civil Service Board may, if in its estimation the evidence is conclusive, affirm the action of the appointing authority; or if it finds that the action was not taken for just cause under the provisions of this Ordinance, the Civil Service Board shall order the immediate reinstatement or reemployment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the Civil Service Board so provides in its discretion, be retroactive and entitle such person to pay or compensation from the time of such removal, suspension, demotion, discharge or other disciplinary action. Also, the Civil Service Board shall have the power and authority to modify the order of removal, suspension, demotion, discharge, or other disciplinary action by directing a suspension, without pay for a given period. The decision of the Civil Service Board, together with its written finding of fact, if required, shall be certified, in writing, to the appointing authority and shall be forth with enforced by such appointing authority.
- D. Any employee under the classified service and/or the appointing authority shall have the right to appeal from any decision of the Civil Service Board, or from any action taken by the Civil Service Board under the provisions of the Ordinance and which is prejudicial to said employee or appointing authority. This appeal shall be directed to the court with unlimited jurisdiction in civil suits for St. John the Baptist Parish.

#### **14.6 REQUESTS FOR APPEAL**

A notice of appeal must:

- A. Be filed on the official form which may be obtained from the Parish's website at [www.sjbparish.com](http://www.sjbparish.com) or the Civil Service folder on the Parish's common drive (P:) in Microsoft Word format.; 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 action complained against and the basis of the appeal; and
- 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; and
- H. Be filed within thirty (30) days of the action which is being appealed. Saturdays, Sundays, holidays, and other non-working days shall not serve to extend this thirty-day limitation except that if the 30<sup>th</sup> day falls on a Parish holiday or on a weekend, the employee will have until close of business on the next work day to file the appeal.
- I. Following the expiration of the thirty (30) calendar-day period that 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.

#### **14.7 COMPLAINTS NOT CONSIDERED APPEALABLE**

An employee is encouraged to discuss with his supervisor or department head any problem or dissatisfaction outside of the employee's control which grows out of employment with the Parish. Dissatisfactions other than those listed in Section 14.5 of this Article; however, are not considered appealable actions and would not follow the appeal process through the Board. Instead, the employee should file the complaint with the supervisor or the department head, if necessary, through the grievance procedures outlined in this Chapter.

#### **14.8 NOTIFICATION OF APPEAL**

The Civil Service Administrator shall cause the date of filing to be noted of each notice of appeal. An appeals docket shall be maintained by the Civil Service Administrator upon which each appeal shall be docketed in the order filed, be numbered consecutively, and be given an appropriate title. Promptly after docketing the authority or person against whose action the appeal is directed shall be notified of the appeal by the Civil Service Administrator.

**14.9 SUMMARY DISPOSITION OF APPEAL**

- A. Any request for summary disposition, when made prior to the date fixed for the hearing of the appeal, may be supported by admissions of fact and written argument or brief; provided, that;
  - 1. Before filing, the Civil Service Administrator 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 five (5) calendar days after such service to file with the Civil Service Administrator any opposition to the request, which opposition may be supported by written argument or belief.
- B. If the Civil Service Board denies the request or refers it to the merits, it may reconsider same at any time prior to its final disposition of the appeal.
- C. By filing with the Civil Service Administrator 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 Civil Service Board if his request is approved by the Civil Service Administrator.

**14.10 ASSIGNING APPEALS FOR HEARING**

The Civil Service Administrator shall fix the time and place for the hearing of appeals by the Civil Service Board and as far as practicable, shall fix them in the order in which docketed, provided that, for good cause shown, the Civil Service Board, its Chairman, or the Civil Service Administrator may upset any fixing and may either relegate the case for re-fixing to the foot of the docket or give it a special assignment both as to time and place.

**14.11 PLACE OF HEARING**

All appeals before the Civil Service Board shall be heard in the St. John Parish Administration Building in LaPlace, Louisiana, unless adequate notification is given to all concerned parties about a change in the meeting place.

**14.12 WAIVER OF HEARING OF APPEALS**

With the approval of the Civil Service Board or the Civil Service Administrator, and by consent of all interested parties, said notice and delay may be waived.

**14.13 CONTINUOUS OF APPEAL**

- A. An appeal fixed for hearing may be continued, without prejudice to the appellant;
  - 1. By the Civil Service Administrator, upon submission of justifications deemed adequate by him if approved by the Civil Service Board;

2. By the Civil Service Board or its Chairman, for cause deemed sufficient by it; or him; or
  3. If it is not reached for hearing.
- B. With the approval of the Civil Service Board or the Civil Service Administrator, an appeal fixed for hearing may be continued by consent of all interested parties. If an appellant requests a continuance the Civil Service Board may, in its 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 reached shall be re-fixed by preference over any appeal continues for any other reason and any appeal subsequently docketed.

#### **14.14 PROCEDURE FOR HEARING APPEALS**

- A. All hearings shall be open to the public except for those where the Board deems it in the best interest of the parties or witnesses to close a hearing based on privacy concerns.
- B. Parties shall have the rights, but shall not be required to be represented by counsel. Any such counsel must be duly licensed to practice law in the state of Louisiana. When any party is represented by more than one Attorney in any hearing before the Civil Service Board, only one Attorney for any party shall be permitted to examine the same witness.
- C. The burden of proof as to the facts shall be on the appellant in every appeal, and he shall be required to open the case, except as noted in subsection 14.15S.
- D. 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 the Civil Service Board.
- E. The Civil Service Board may require the appellant to give his sworn testimony before hearing any other witness on his behalf, and, if the Civil Service Board finds from such testimony that he has no just or legal ground to support his appeal, it may decline to hear or consider any other evidence and thereupon dismiss the appeal.
- F. If after hearing appellant's testimony the Civil Service Board is of the opinion that he may have just or legal grounds for his appeal, it shall permit him to adduce such other evidence testimonial or otherwise, as may be relevant.
- G. 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.

- H. Parties and witnesses shall be subject to cross-examination as in civil trials before the courts of the State, and the Civil Service Board and each member of the Civil Service Board may examine and cross-examine any witness.
- I. The Civil Service Board may require that the parties stipulate all undisputed facts.
- J. The Civil Service Board may limit corroborative evidence.
- K. The testimony of all witnesses shall be received under oath. Where appropriate and not inconsistent with these Rules, hearing and the taking of testimony shall be conducted according to the accepted practice in civil trials before the District Courts of the State.
- L. When a pending case involve substantially the same question of law or fact as presented in a prior case, the Civil Service Board, at the request of any party on its own motion may admit as evidence any part of the record in such previous case as it may deem relevant; provided, that in the application of this Rule no party shall be deprived of the right to cross-examine any adverse witness.
- M. 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 explain, supplement, or enlarge the facts as so expressed. The appointing authority may rebut any proof offered by the employee in contradiction of the facts as expressed in writing by the appointing authority.
- N. The Civil Service Board, on request of any party, or on its 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 and testimony of any other witness. In the application of this Rule only one person, in addition to counsel, shall represent the Appointing Authority.
- O. The Civil Service Board 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 Civil Service Board, only one Attorney shall be permitted to present oral argument for any party.

The Civil Service Board may in any case on its 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.

- P. The Civil Service Board may take notice of the provisions of the Ordinance, the Rules, the Classification Plan, and the Pay Plan without necessity of an offer in evidence.
- Q. When during the course of a hearing a ruling by the Civil Service Board is to be made, the presiding member shall rule and his ruling shall constitute that of the Civil Service Board; provided, that should a member of the Civil Service Board object to such ruling or offer an

alternative ruling, the ruling of the Civil Service Board shall be determined by majority vote of those members present.

- R. Hearings will be conducted in an orderly manner designed to afford all parties a full and fair opportunity to be heard. At all times, the Board will control the proceedings and enforce decorum. The Board may eject any person from the hearing who does not comply with the Board's rules, orders, and directives.
- S. In all disciplinary cases, the Parish will have the burden of proving justification for the disciplinary action and the penalty imposed. Accordingly, the Parish will present its case first, followed by the employee's case, followed by the Parish's rebuttal of the employee's case.
- T. In cases where discrimination is alleged, the party asserting that the action or decision was discriminatory shall have the burden of proof. In such cases, the party alleging discrimination must prove that he is in a protected class based on race, color, religion, national origin, age, disability, or gender and must prove that he suffered an adverse employment action. The burden will then shift on to the Parish which must articulate a legitimate non-discriminatory reason for its decision or action. If the Parish carries this burden, the burden will shift back to the appellant who must prove that the reason given by the Parish for its action or decision is untrue and that the real reason was intent to discriminate.

#### **14.15 SUBPOENA OF WITNESS: PRODUCTION OF DOCUMENTS**

- A. The Civil Service Board, each member thereof, and the Civil Service Administrator shall have power to order the appearance of witnesses and compel the production of books and papers pertinent to the issues involved in any appeal, provided such witnesses and such books and papers are within the State.
- B. Any party desiring the issuance of a subpoena for any witness at any hearing must apply for it in writing at least five 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 such witness.
- C. In lieu of the issuance and service of formal subpoenas to parish employees, the Civil Service Board or the Civil Service Administrator may request any Appointing Authority to order any designated employee under this supervision to attend and testify and appear at the hearing and furnish testimony.
- D. Any party desiring the production of books, papers, photographs, or other items at any hearing must apply for an appropriate order in writing at least five days before the date fixed for the hearing. Such application must describe the items to be produced in sufficient detail for identification, must give the full name and address of the person required to make such production, and must state briefly what is intended to be proven by such books, papers, photographs, or other items; and the materiality of their production to the issues must be sworn to by the time the appellant or his counsel.

- E. No subpoena for the appearance of any witness or order for the production of books, papers, photographs, or other items shall be issued unless the authorized person to whom the application is presented is satisfied that the testimony of the witness or the production of the books, papers, photographs, or other items is necessary under the issues before the Civil Service Board.
- F. Authentic copies of books, papers, photographs, or other items in the custody of any Department, Board, or Agency of the State or any subdivision thereof which have been subpoenaed may be admitted in evidence with the same effect as the originals, but if the original books, paper, 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 Civil Service Board, its Chairman, or the Civil Service Administrator, 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.

**14.16 DISMISSAL FOR NON-APPEARANCE AT HEARING OF APPEAL**

- A. If the appellant fails to appear at the place and time fixed for any hearing, his appeal may be dismissed or the Civil Service Board may in its discretion continue the cause or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.
- B. If the person against whom the appeal has been taken is absent and not represented at the time and place fixed for the hearing of the appeal without having been granted a continuance, the Civil Service Board may proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.
- C. Nothing herein shall be construed to prevent the Civil Service Board from upsetting any fixing upon timely application and for good cause.

**14.17 CONSOLIDATION**

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

**14.18 TRANSCRIPTS OF PROCEEDINGS OF APPEALS TO THE BOARD**

- A. The proceedings of all appellate hearings before the Civil Service Board shall be recorded, but shall be transcribed only upon order of the Civil Service Board.

- B. When an appeal is taken from any final decision of the Civil Service Board, it may require the party appealing to reimburse the Civil Service Board for the cost of preparing transcripts of the proceedings.
- C. Whenever any portion of the Civil Service Board's Rules, Classification Plan, or Pay Plan is relied upon in an appeal beyond the Civil Service Board and is material to the decision of any issue, the portion relied upon shall be copied into the transcript prepared for the appellate body, if not contained in the Civil Service Board's written opinion.

**14.19 REFUSAL TO APPEAR: REFUSAL TO TESTIFY: FALSE TESTIMONY**

- A. Any officer or employee in the Parish Civil Service who willfully refuses or fails to appear before the Civil Service Board in response to a subpoena for a request under the provisions of Rules 14.16 (C), or having appeared refuses to testify or answer any question pertinent to the matter under consideration (except on the grounds that his testimony or answers would incriminate him) shall forfeit his office or position and shall not be eligible thereafter for appointment to any position in the Parish Civil Service for a period of ten years.
- B. Any officer or employee required to testify shall not be subjected to any disciplinary action by his Appointing Authority because he so testifies.
- C. Any person who willfully fails to appear in response to a subpoena or to an order issued under the provisions of Rule 14.16 hereof; or who willfully fails to answer any question or produce any books, papers, photographs, or other items pertinent to any hearing before the Civil Service Board, or who knowingly gives false testimony at any such hearing, shall on order of the Civil Service Board be subject to the penalties identified in Rule 14.16.
- D. Any appellant or other witnesses, who is an applicant for employment in or is an employee in the Classified Service, who knowingly gives false testimony in any hearing shall be considered as having violated the provisions of the Ordinance and Rules. Upon so finding, the Board may rule that he has forfeited any classified office or position he may hold and may declare him ineligible for appointment to any position in the Classified Service for a period not exceeding ten (10) years.
- E. The penalties described in this section and in 17.16 shall not be in violation of the rights of the individual guaranteed by the Fifth Amendment to the United States Constitution.

**14.20 COST OF APPEALS**

The Civil Service Board may, in its discretion, order the costs of any hearing or appeal, or any portion of such costs, including the costs of recording and transcribing testimony, to be paid by or charged to the Department or organization unit against whose action the appeal is taken or hearing granted.

**14.21 WITNESS FEES IN HEARING ON APPEALS**

- A. The travel expenses of an officer or employee other than the appellant who is required to appear before the Civil Service Board in the hearing of an appeal shall be paid by the department which employs him.

- B. The Civil Service Board may order that any person who is not an officer or employee of a Department and who is subpoenaed to testify at a hearing shall be entitled to the same mileage and fees as are allowed witnesses in civil cases by the Judicial Court for the Parish.
- C. Witness, fees and travel expenses may be taxed to either party, in the Civil Service Board's discretion.
- D. The Civil Service Board, and any person authorized to issue a subpoenaed may, before doing so, require the party requesting a subpoena of one other than an officer or employee of a department to deposit with the Civil Service Administrator a sum sufficient to cover the mileage and witness fees pending a determination of costs by the Civil Service Board.

**14.22 BOARD ACTION ON APPEALS**

- A. In its decisions resulting from appeal hearings, the Board may affirm, amend, or overturn the action from which appellant appealed; including an award of back-pay and other emoluments for time lost. However, in cases in which back-pay is awarded, the appellant shall be required to file with the Chief Financial Officer a notarized statement of all monies earned by appellant during period of absence from the Parish payroll, and such earnings shall be deducted in computing the amount of the back-pay award.
- B. A vote of a majority of a quorum shall be sufficient to render a binding and final Board decision. A tie vote shall be considered an affirmation by the Board that the appeal is without merit.
- C. After hearing of an appeal, the Civil Service Board shall make a written decision containing its findings of facts and conclusions, which shall be filed with the Civil Service Administrator. The decision of the Civil Service Board shall be final on the day it is filed with the Civil Service Administrator.
- D. The Civil Service Administrator shall furnish all interested parties a copy of the decision.

**14.23 FINALITY OF BOARD DECISIONS ON APPEALS**

Board decisions and orders shall be final and effective as of the date rendered, as reflected in the decision or order, subject only to such stay of execution as may be effectuated in accord with these rules.

**14.24 EXCLUSIVITY AND STANDARD OF REVIEW**

- A. The St. John the Baptist Parish Civil Service Board shall have the exclusive power and authority to hear and decide all removal and disciplinary cases and other actions appealable under these Rules.
- B. The Board will consider the entire appeal and hearing record in rendering its decision. The Board will not reverse an employment action or decision undertaken by the Parish unless it finds

that the action or decision was arbitrary or undertaken without just and reasonable cause. The Board will not reverse an action or decision made by the Parish administration merely because the Board might have made a different decision or taken different action under the circumstances. Likewise, any disciplinary penalty imposed by the Parish will not be reduced unless the Board determines that there is insufficient cause for the greater penalty. The concept underlying the Board's standard of review is that is not the role of the Board to substitute its judgment regarding personnel matters for the Parish's judgment unless the Board deems the Parish's judgment arbitrary or unreasonable under the circumstances.

- C. Any classified employee and any appointing authority shall have the right to appeal from any decision of the Board, or from action taken by the Board which is prejudiced to said employee or appointing authority. Decisions of the Board shall subject to review on any question of law or fact upon application for review to the Louisiana 40<sup>th</sup> Judicial District Court for Parish of St. John the Baptist.
  - 1. The party wishing to appeal from a decision of the Board shall proceed by filing a petition with the 40<sup>th</sup> Judicial Court seeking a review of the decision and shall include an assignment of errors, which shall set out separately and particularly each error asserted. Such petition must be filed no later than thirty (30) days from the effective date of the decision.
  - 2. The party appealing the ruling, whether the employee or the appointing authority, shall appear as the plaintiff and the other party shall be named as the defendant. The defendant shall be service with the appeal petition and citation as required by law.
  - 3. The Board shall not be a party to any appeal, and if names, it shall be summarily dismissed upon motion of either parity or by the court on its own motion.
  - 4. After a petition for review has been filed, any party may request that the record of the proceedings be filed with the Court. All requests shall be made in writing to the Civil Service Administrator and shall include the caption and docket number of the suit. Within thirty (30) days after receipt of the written request, the Civil Service Administrator shall forward a certified copy of all documents on file with the Board and the Court. The Civil Service Administrator shall notify all parties of the filing of the record.

#### **14.25 INTERLOCUTORY RULING**

- A. Formal exceptions to the interlocutory rulings or order of the Civil Service Board are necessary. At the time the ruling is made or the order is communicated, a party shall make known his objection thereto and the grounds there for, and same shall be noted in the record.
- B. The Civil Service Board may at any time prior to a final decision, recall, reverse, or revise any interlocutory ruling or order.

#### **14.26 AMICABLE SETTLEMENT OF APPEALS**

In any appeal pending before the Civil Service Board, the parties thereto may agree to submit a proposed settlement to the Civil Service Board which, if approved by the Civil Service Board, shall constitute a final disposition of the appeal.

**14.27 ALTERNATIVE REMEDIES**

The existence of these appeal procedures or grievance procedures does not preclude an individual from pursuing other remedies available under law.

**14.28 RECUSAL OF BOARD MEMBERS**

The ground for recusal of a Civil Service Board member shall be the same as the grounds for recusal of judges of the courts of the State of Louisiana.

**14.29 REHEARING OF APPEAL**

No rehearing shall be granted from a final decision of the Board.

**14.30 FINALITY OF BOARD ACTION ON RULES AND PLANS**

- A. No appeal to the Civil Service Board shall lie from the adoption by the Civil Service Board, after public hearing, of a Classification Plan, a Pay Plan, or of any Rule, or of any Amendment to said Plans or Rules.
- B. Board decisions and orders shall be final and effective as of the date rendered, as reflected in the decision or order, subject only to such stay of execution as may be effectuated in accord with these rules.

## CHAPTER 15

### PROHIBITED ACTIVITIES

#### 15.1 PROHIBITED POLITICAL ACTIVITIES

- A. No member of the Civil Service Board, or employee appointed to a position in the classified service shall participate or engage in political activity; be a candidate for nomination or election to public office, except for the position of elected employee member of the Civil Service Board, or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction or candidate; take an active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his/her vote as desired.
- B. No person shall solicit contributions for political purposes from a classified employee or use or attempt to use his/her position in parish service to punish or coerce the political action of a classified employee.
- C. No person elected to public office shall, while serving in such elective office, be appointed to or hold any position in the classified parish service, except if such person was holding public office.
- D. As used in the Part, "political activity" means an effort to support or oppose the election of a candidate for political office or to support (or oppose) a particular political party in an election. The support (or opposition) of issues involving bonding indebtedness, tax referenda, or constitutional amendments shall not be prohibited.
- E. No employee appointed to a position in the classified service or member of the Board shall take an active part in an effort to recall from office an elected official, or seek, solicit or attempt to coerce any person including any employee in the classified service and any member of the Board into participating in any such effort or signing a recall petition except that nothing contained herein shall prevent an employee in the classified service or member of the Board from signing a recall petition.

#### 15.2 EXAMPLES OF PROHIBITED POLITICAL ACTIVITIES

The following are examples of prohibited political activities in which an employee appointed to a position in the classified service or member of the Civil Service Board may not engage. This list is not intended to be all-inclusive, but examples:

- Acting as a campaign manager or officer.
- Soliciting votes in an election campaign.
- Acting as chauffer or driver for candidate, faction, group in an election campaign.
- Openly announcing preference for a candidate, faction or group in an election campaign.

- Attempting to influence voters in an election campaign.
- Threatening reprisals because of a citizen's activity on behalf of a candidate.
- Attempting to influence a voter in his choice of candidates or issues while serving as a commissioner at the polls.
- Distributing campaign literature for a candidate, faction, or group during an election campaign.
- Speaking over a loud speaker in aid of a campaign.
- Distributing money for support of a candidate, faction or group. Contributing a vehicle or money to promote transportation of voters to the polls.
- Procuring the services of another to work in the promotion of an election campaign.
- Asking subordinate employees to vote for a particular candidate.
- Addressing campaign literature or envelopes.
- Working at campaign headquarters or otherwise assisting in a political campaign.
- Wearing in public places shirts printed with vote solicitations or political messages.
- Purchasing tickets for campaign fundraisers or contributing to a candidate for public office.
- Distributing or transporting political literature or paraphernalia.

### **15.3 OTHER PROHIBITED ACTIVITIES**

- A. No person shall be appointed or promoted to, or demoted, or dismissed from any position in the Classified Service, or in any way favored or discriminated against with respect to employment in the Classified Service, based on race, gender, age, disability, or other prohibited factors, or because of his political opinions or affiliations.
- B. No employee in the Classified Service shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription or contribution. No person shall solicit any such assessment, subscription or contribution of any employee in the Classified Service.
- C. 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.
- D. 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 for the purpose of influencing his vote, support, or other political activities in the election or primary 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.
- E. No person in the Classified Service shall be permitted to allow his political activities to interfere with the performance of his work, or be permitted to influence other employees in the Classified Service to accept his political views while on the job. Infraction of this Rule subjects employee to disciplinary action up to and including termination.

- F. No person elected to public office shall, while serving in such elective office, be appointed to or hold any position in the Parish's classified system.
- G. No person shall be appointed to or employed in a position in the Classified Service under any class title which has not been approved by the Personnel Officer as appropriate to the duties to be performed.
- H. No payment for personal services of any employee in the Classified Service shall be made until the Personnel Officer has approved the appointment.
- I. No person shall make any false statement, certificate, mark, rating, form or report with regard to any application, test, certification, personnel transaction, appointment or employment made under any provision of the Ordinance, the Rules or a Regulation of the Parish Civil Service, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the Ordinance, Rules and Regulations.
- J. No applicant for examination, eligible on any register, appointing authority or his agent, or Parish employee, shall directly or indirectly persuade, induce or coerce, or attempt to persuade, induce or coerce any prospective applicant or eligible to withhold filing application or withdraw from competition or eligibility for position in the Classified Service for the purpose of either improving or injuring the prospects for appointment of any such applicant or eligible. The penalty for violation of this Sub-section by applicants or eligible shall be cancellation by the Civil Service Board of any or all applications or eligibilities.

#### **15.4 BOARD ACTION ON VIOLATIONS**

- A. It shall be the duty of any employee or parish official to report promptly any violation of the provisions of this rule to the Civil Service Administrator, whose duty it shall be to make a preliminary investigation concerning the alleged violations and to report findings to the Civil Service Board.
- B. The Civil Service Board, upon the filing of written charges by any person of such violation, shall, through the Civil Service Administrator, investigate said charges. Within thirty (30) days after either receiving report of alleged violation from the Civil Service Administrator or conducting an investigation instituted on its own initiative, the Board shall hold a public hearing concerning the charges. If the Board determines that the employee or employees under inquiry did violate any of the provisions of the Rule, the Board is hereby empowered to order such disciplinary action(s) as it deems appropriate, and the Appointing Authority shall immediately take such action(s) necessary to comply therewith.
- C. The Civil Service Board will only address violations reported within one (1) year after occurrence.
- D. The Civil Service Board, on its own initiative, may at any time investigate any suspected violations of the provisions of this rule by any person.

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## CHAPTER 16

### RECORDS AND REPORTS

#### 16.1 PAYROLL AND ATTENDANCE RECORDS

It shall be the duty of each appointing authority to utilize the Parish's system of documenting payroll and attendance records. Such system or systems shall be so designated as to facilitate the maintenance of adequate personnel records and to eliminate duplication of accounting and reporting to the fullest extent practicable.

#### 16.2 CERTIFICATION OF PAYROLL AND ATTENDANCE

The appointing authority or his agent designated for this purpose shall certify on each payroll or subsidiary documents the fact of the actual rendering of service in the position, the actual number of hours of attendance on duty, and the number of hours of absence from duty.

#### 16.3 LEAVE RECORDS

Each appointing authority shall maintain leave records showing, for each employee who holds a position in the Classified Service, (1) Vacation leave earned, used and unused, (2) sick leave, used and unused, and (3) any special leave or other leave with or without pay. Such record shall be documentary evidence to support and justify the certification of authorized leave of absence with pay.

#### 16.4 EXAMINATION OF DEPARTMENT RECORDS

The Personnel Officer and/or any member of the Civil Service Board may from time to time examine Department payrolls and personnel records to determine whether such records reflect the employment of any person or persons in violation of any provisions of the Ordinance or Rules.

#### 16.5 ACTIONS ON VIOLATION OF THE RULES

If the Civil Service Board finds that a person has been appointed, non-competitively re-employed, continued or otherwise employed in violation of any provision of the Ordinance or Rules, it shall notify the fiscal officer of the Department of such violation and take such other action as may be authorized or requested by the Ordinance.

#### 16.6 OFFICIAL ROSTER

The Civil Service Administrator shall establish and maintain a current roster of all Classified employees of all Departments in which there shall be set forth as to each employee, the class title of the position held, the salary or pay; and change in class title, pay or status, and any other necessary data.

#### 16.7 RECORDS OF THE PARISH CIVIL SERVICE

- A. The Parish Civil Service Office shall be the official depository of the records of the Office and the Civil Service Board.
- B. Subject to the provisions of Sub-section (C) hereof, all records so deposited shall be public records and their inspection, availability and regulation shall be subject to a governed by the statutory provisions governing public records and documents.
- C. The following records shall be held confidential:
  - 1. Investigation correspondence and data related to the moral character and reputation of applicants for employment or employees in the Classified Service.
  - 2. Examination materials, questions, date and examination papers and records relating in any way to competitive examinations and other tests constructed, maintained or conducted by the Parish Civil Service Office.
  - 3. Files, statements, reports, correspondence and other data in connection with and related to investigations of violations of the Ordinance or Rules, when such inquiries are conducted by the Civil Service Board or the Civil Service Administrator, other than that which is admitted in evidence at a public hearing.

**16.8 MODIFICATION OF PERSONNEL ACTIONS**

- A. Subject to the provision of sub-section (C) of this Rule an appointing authority may with the approval of the Board, rescind or modify any personnel action which has been received the Personnel Officer.

**16.9 FORMS AND PROCEDURES**

The Civil Service Board may prescribe such personnel forms and procedures as may be necessary or desirable to carry out the provisions of the Ordinance and Rules.

## CHAPTER 17

### INVESTIGATIONS

#### 17.1 FILING OF CHARGES

- A. Any person may file with the Civil Service Administrator or the Civil Service Board written charge of a violation by any person of the Ordinance or the Rule.
- B. When the Civil Service Administrator, in the exercise of the authority granted; hereof, has caused investigation to be made of reported violation of the Ordinance or the Rules or has reason to believe that there has been violation of the Ordinance or the Rules he may, in addition to other actions authorized by the Ordinance or these Rules, file written charges with the Civil Service Board and present its findings to the Civil Service Board at a public hearing in a proceeding directed against the person or persons under investigation.

#### 17.2 PRELIMINARY INVESTIGATIONS

The Civil Service Board may instruct the Civil Service Administrator to conduct a preliminary investigation of any suspected violation by any person of the provisions of the Ordinance or these Rules, to collect evidence in connection therewith, and to report thereon to the Civil Service Board.

#### 17.3 INITIATION OF INVESTIGATIONS

- A. The Civil Service Board may at any time, upon its own initiative, investigate any suspected violation by any person of the Ordinance or the Rules.
- B. Within ninety days following the filing of written charges with the Civil Service Administrator or the Civil Service Board by any person of a violation of the Ordinance or the Rules allegedly committed by any person within the preceding one year, the Civil Service Board shall investigate and hold a public hearing concerning such charges.
- C. The Civil Service Board may not investigate any written charge of a violation by any person of the Ordinance or Rules filed with it more than one year after the alleged violation.

#### 17.4 DESIGNATION OF A RESPONDENT IN AN INVESTIGATION

- A. Any person under investigation as a result of charges filed with the Civil Service Board shall be a respondent.
- B. The Civil Service Board may at any time before, during, or after an investigation by public hearing, declare any person to be respondent if it has reasonable cause to suspect such person has or may have violated the Ordinance or the Rules. The Civil Service Board's declaration shall specify whether such person shall be a respondent in the investigation in progress or in a subsequent investigation.

#### 17.5 RIGHTS OF A RESPONDENT

- A. The right, but shall not be required, to be represented by counsel. Any such counsel must be duly licensed to practice law in the State of Louisiana. When a respondent is represented by more than one Attorney in any hearing before the Civil Service Board, only one such Attorney shall be permitted to examine the same witness.
- B. Access to procedures afforded to appellants under these Rules requiring the compulsory appearance of witnesses and production of records within the State.
- C. The right to introduce admissible evidence in his own behalf.
- D. The right to examine and cross-examine witnesses at the public hearing.
- E. The right to object to the introduction of hearsay testimony and other evidence not admissible under the rules of evidence as applied in civil trials before the District Courts of the State.

**17.6 DOCKETING OF INVESTIGATIVE HEARINGS**

- A. The Civil Service Administrator shall cause the date of filing to be noted on each document containing written charges of a violation of the Ordinance or the Rules. A docket shall be maintained upon which each such document shall be docketed in the order filed, be numbered consecutively, and given an appropriate title.
- B. Such docket may be in combination with the appellate docket required to be maintained by the provisions of Chapter 14 of the Rules.
- C. Promptly after the assigning of a date for public hearing on an investigation, each respondent shall be notified by the Civil Service Administrator of such investigation. Such notice shall contain a clear and concise statement of the matters under investigation provided that
  - 1. Nothing herein shall prevent the Civil Service Board at any time from enlarging upon the statement of the matters under investigation, nor shall any thing therein prevent the Board at any time from collecting evidence in connection with appropriate matters additional thereto and taking action in connection therewith; and
  - 2. Each respondent shall be notified of such additional information and afforded opportunity to reply thereto.

**17.7 SUMMARY DISPOSITION OF INVESTIGATION**

- A. At any time after the assigning of a public hearing of an investigation, any respondent may file with the Civil Service Board a written request for summary disposition thereof on any of the following grounds:

1. That the Civil Service Board lacks jurisdiction of the subject matter, or of the respondent under investigation.
  2. That the investigation has not been initiated in the manner prescribed by the Rules.
  3. That the matter under investigation has become moot.
  4. That the charges, if true, would not constitute a violation of the Ordinance or these Rules.
- B. Any request for summary disposition, when made prior to the date fixed for the hearing, may be supported by admissions of fact and written argument or brief.
- C. When a request for summary disposition has been filed with the Civil Service Board in any proceeding, the Civil Service Administrator may submit oral or written argument or brief in connection therewith.
- D. If the Civil Service Board denies the request, it may reconsider same at any time prior to the conclusion of the investigation.
- E. The Civil Service Board may at any time, summarily dispose of an investigation on any of the grounds listed in Sub-section (A) thereof.

#### **17.8 ASSIGNING INVESTIGATION FOR PUBLIC HEARING**

- A. The Civil Service Board or the Civil Service Administrator with approval of the Civil Service Board shall fix the time and place for the conduct of investigations by public hearing.
- B. For cause considered justifiable by it or him the Civil Service Board, its Chairman, or the Civil Service Administrator with the approval of the Civil Service Board may upset any fixing and give the hearing a special assignment both as to time and place.

#### **17.9 PLACE OF INVESTIGATION BY PUBLIC HEARING**

All investigations by public hearing before the Civil Service Board shall be conducted in the Parish Administration Building in Laplace, Louisiana, unless adequate notification is given to all concerned parties about a change in the meeting place.

#### **17.10 NOTICE OF INVESTIGATION BY PUBLIC HEARING**

The Civil Service Administrator shall give written notice of the time and place of the public hearing to all known respondents at least twenty calendar days prior thereto; provided, that with the approval of the Civil Service Board or Civil Service Administrator, and by consent of the respondents involved, such twenty-day period may be waived.

#### **17.11 CONTINUANCE OF INVESTIGATION BY PUBLIC HEARING**

- A. An investigation fixed for public hearing and not reached, shall be refixed by the Civil Service Board.
- B. The Civil Service Board or its Chairman may, for cause deemed sufficient, grant, or order, with respect to any one or more respondents involved, a continuance of any investigation fixed for public hearing; and it may proceed, in its discretion, as to those respondents to whom no continuance was granted.

**17.12 PROCEDURE OF INVESTIGATION BY PUBLIC HEARING**

- A. All hearings shall be open to the public.
- B. Each member of the Civil Service Board, and any specially designated agent of the Civil Service Board may examine and cross-examine any witness or respondent.
- C. When a pending case involves substantially the same or similar circumstances as presented in a prior appellate hearing or investigation by public hearing. The Civil Service Board may admit as evidence any part of the record in such previous case as the Board may deem relevant; provided, that in the application of this Rule no respondent shall be deprived of the right to cross-examine any adverse witness.
- D. The charge filed against a respondent shall not be accepted by the Civil Service Board as prima facie true.
- E. The Civil Service Board shall not be limited in its authority to receive evidence which explains, supplements, refutes, or enlarges upon the information contained in the charges filed with it, provided, that a respondent shall be given a fair opportunity to meet the additional evidence.
- F. The Civil Service Board, on request of any respondent in the investigation in progress, or on its own motion, may order that the witnesses in any investigation by public hearing be separated so as to preclude any witness, other than the respondents and their counsel, from hearing the testimony of any other witness.
- G. The Civil Service Board may limit corroborative evidence.
- H. 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.
- I. The Civil Service Board may fix the total time to allowed for oral arguments, according to the circumstances of each case, and may limit oral argument to one or more issue.
- J. Except with special leave of the Civil Service Board, only one attorney shall be permitted oral argument for each respondent.
- K. The Civil Service Board may in any case on its 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 known respondents are present, or represented or that a copy of all written arguments be served on all known respondents or their counsel, if any. Service of such written argument shall be made to appear by the certificate of the writer.

- L. The Civil Service Board may take notice of the provisions of the Ordinance, the Rules, the classification Plan, and the Pay Plan without the necessity of an offer in evidence.
- M. When during the course of a hearing a ruling by the Civil Service Board is to be made, the presiding member shall rule and his ruling shall constitute that of the Civil Service Board; provided, that should a member of the Civil Service Board object to such ruling or offer an alternative ruling, the ruling of the Civil Service Board shall be determined by majority vote of those members present.

### **17.13 SUBPOENA OF WITNESSES: PRODUCTION OF DOCUMENTS**

- A. The Civil Service Board, each member thereof, and the Personnel Officer shall have power to order the appearance of witnesses and to compel the production of books and papers pertinent to the issues involved in any investigation by public hearing, provided such witnesses and such books and papers are within the State.
- B. Any respondent desiring the issuance of a subpoena for any witness at an investigation by public hearing must apply for it in writing at least five 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 such witness.
- C. In lieu of the issuance and service of formal subpoenas to Parish employees, the Civil Service Board or the Personnel Officer may request any Department to order any designated employee under his supervision to attend and testify at any investigation by public hearing; and upon being so ordered the employee shall appear at the hearing and furnish testimony.
- D. Any respondent desiring the production of books, papers, photographs, or other items at any investigation by public hearing must apply for an appropriate order in writing at least five days before the date fixed for 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 books, papers, photographs, or other items; and the materiality of their production to the issues must be sworn to by the respondent or his counsel.
- E. No subpoena for the appearance of any witness or order for the production of books, papers, photographs, or other items shall be issued unless the authorized person to whom the application is presented is satisfied that the testimony of the witness or the production of the books, papers, photographs, or other items is necessary under the issues before the Civil Service Board.
- F. Authentic copies of books, papers, photographs, or other items in the custody of any Department of the State or any subdivision thereof which have been subpoenaed may be

admitted in evidence with the same effect as the originals, but if 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 Civil Service Board, its Chairman, or the Personnel Officer with approval of the Civil Service Board may for cause deemed sufficient by it, or him, 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.

**17.14 CONSOLIDATION OF INVESTIGATIONS BY PUBLIC HEARING**

When investigation of two or more respondents involve similar or related circumstances, the Civil Service Board may order a joint investigation of all respondents or may order separate investigations for specified respondents.

**17.15 TRANSCRIPTS OF INVESTIGATIONS BY PUBLIC HEARING**

- A. The proceedings of all investigations by public hearing shall be recorded, but shall be transcribed only upon order of the Civil Service Board or upon request made by a respondent therein accompanied by proffer of such cost as may be determined by the Civil Service Board.
- B. Whenever any portion of these Rules, the Classification Plan, or the Pay Plan is relied upon in an investigation by public hearing, and is material to the decision of any issue, the portion relied upon shall be copied into any transcript prepared for the appellate body, if not contained in the Civil Service Board's written findings.

**17.16 REFUSAL TO APPEAR: REFUSAL TO TESTIFY: FALSE TESTIMONY**

- A. Any officer or employee in the Parish Civil Service who willfully refuses or fails to appear before the Civil Service Board as a witness or as a respondent, or having appeared, refuses to testify or answer any question pertinent to the matters under investigation, shall forfeit his office or position and shall not be eligible thereafter for appointment to any position in the Parish service for a period of ten years, subject to provisions in 14.19 (E).
- B. Any respondent or other witness, who is an applicant for employment in or is an employee in the Classified service, who knowingly gives false testimony in any investigation by public hearing shall be considered as having violated the provisions of the Ordinance and Rules. Upon so finding, the Civil Service Board may rule that he has forfeit any classified office or position he may hold and may declare him ineligible for appointment to any position in the Classified Service for a period not exceeding ten (10) years.
- C. Any person who willfully fails to appear in response to a subpoena or to an order issued under the provisions of Rule 17.13 hereof; or who willfully fails to answer any question or

produce any books, papers, photographs, or other items pertinent to any investigation by public hearing before the Civil Service Board or who knowingly gives false testimony at any such hearing, shall on order of the Civil Service Board be subject to the penalties identified in Rule 17.1.

- D. Any officer or employee in the Classified Service who is required to testify shall not be subjected to any disciplinary action by his appointing authority because he testifies.

**17.17 WITNESS FEES IN INVESTIGATIONS BY PUBLIC HEARING**

- A. The travel expenses of an officer or employee of a Department who is required to appear before the Civil Service Board shall be paid by the Department which employs him.
- B. The Civil Service Board may order that any person who is not an officer or employee of a Department and who is subpoenaed to testify at a hearing shall be entitled to the same mileage and fees as are allowed witnesses in civil cases by the Judicial Court for the Parish.
- C. If a witness is subpoenaed by a respondent, the Civil Board may order the cost of witness fees and mileage to be paid by such respondent.
- D. The Civil Service Board and any person authorized to issue a subpoena may, before doing so, require the respondent to deposit with the Civil Service Administrator a sum sufficient to cover the mileage costs and witness fees pending a determination of costs by the Civil Service Board.

**17.18 BOARD ACTION FOLLOWING INVESTIGATION BY PUBLIC HEARING**

The Civil Service Board shall, upon concluding its public hearing and investigation render a decision in writing, which shall contain its findings of fact, conclusions of law, and pertinent orders and instructions; and shall file same with the Civil Service Administrator. The decision shall be final on the day it is filed. The Civil Service Administrator shall furnish copies to all respondents and other interested parties.

**17.19 RECUSAL OF BOARD MEMBER**

In proceedings under this Chapter, the grounds for recusal of a Civil Service Board member shall be the same as the grounds for recusal of judges of the Courts of the State of Louisiana.

**17.20 POWER OF CIVIL SERVICE ADMINISTRATOR NOT RESTRICTED**

Nothing in this Chapter shall restrict the Civil Service Administrator in making whatever investigations he may deem appropriate to the exercise of his powers and functions under the Ordinance and the Rules.

**RECEIPT AND ACKNOWLEDGMENT OF CIVIL SERVICE RULES AND REGULATIONS**

I have received and reviewed a copy of St. John the Baptist Parish Civil Service's Rules & Regulations (herein referred to "Civil Service Manual" or "Manual"). I understand that I am responsible for reading, understanding, and adhering to the policies contained in the manual.

I understand that this manual is not an employment contract, and is not to be construed, under any circumstances, as a promise or guarantee of continued employment. I understand that by my acceptance of employment with the Parish, I recognize that the employment relationship is at will and may be terminated by me or the Parish at any time in accordance with the Rules and Regulations described herein.

I understand that no member of management, other than the Parish President, has the authority to enter in any agreement for employment or benefits for any period of time, or to make any agreement contrary to the foregoing. I further understand that any policies, procedures and benefits discussed in this manual may be changed by the Parish at any time.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME