

**MUNICIPAL EMPLOYEES CIVIL SERVICE
CITY OF ABBEVILLE
ABBEVILLE, LOUISIANA**

ADOPTED RULES AND REGULATIONS

Any revision or addition made after November 25, 1963, to these rules and regulations, shall be indicated by footnote stating the date, section, and paragraph number which has been revised, repealed, or amended. All recent revisions have been highlighted and can be cross checked in the index.

Revision 05/06/14

MUNICIPAL CIVIL SERVICE RULES

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RULE I
DEFINITIONS

1. “Allocation”: The official determination by the board of the class to which a position in the classified service belongs.
2. “Appointing Authority”: The person or agency responsible for the hiring of employees for the various departments of the municipal government covered by the provisions of Act 85.
3. “Appointment”: The designation of a person by a duly empowered appointing authority to become an employee in a position, and the person’s induction into the position.
4. “Board”: The Municipal Employees Civil Service Board of the City of Abbeville.
5. “Certify” or “Certification”: The furnishing to the appointing authority, by the Director of Personnel, of a list of names of persons from an appropriate employment list, who are eligible to be considered for appointment to a position in the classified service.
6. “Certification after probation”: Official notice by the appointing authority that an employee has satisfactorily completed his working test period.
7. “Civil Service Board”: The Municipal Employees Civil Service Board.
8. “Class” or Class of Position”: A definitely recognized kind of employment in the classified service, designated to embrace positions that are so nearly alike in the essential character of their duties, responsibilities and consequent qualification requirements that they may fairly and equitably be treated alike under like conditions for all personnel purposes.
9. “Classification Plan”: All the classes of positions established for the classified service.
10. “Classified Position”: Any position in the service that is subject to the civil service requirements as contained in the Act and applies to every position in the service that is not expressly unclassified by the Act.
11. “Classified Service”: Every appointive office and position of trust or employment in the municipal government which has as its primary duty one of the functions specifically set forth to be included in the classified service by the provisions of this Act.
12. “Competitive Class”: Those positions allocated to a class that have been identified by the Act as open for appointment to all qualified citizens, provided that such positions may not be filled from qualified personnel of the municipal departments.
13. “Demotion”: A change of an employee in the classified service from a position in one class to a position of another class for which a lower minimum rate of pay is prescribed.
14. “Department Head”: The Superintendent, Manager, Director, or other administrative person, appointed by the Appointing Authority, to be in charge of overall management and operation

of each respective department or unit established by the Governing Authority or Civil Service statute.

15. “Department Service”: Employment in the public service offered and performed separately by the municipal department.
16. “Eligible”: A person whose name is on a list.
17. “Employee”: A person legally occupying a position.
18. “Employment List” or “Lists”: A reinstatement employment list, a promotional employment list, a competitive employment list, or a re-employment list.
19. “Emergency Appointment”: Assigning a person to a position because of any emergency of a temporary and special nature.
20. “Entrance test”: A test for positions in a particular class, admission to which is not limited to persons employed in the Municipal Departments.
21. “Examination”: The entire qualifying procedure through which an applicant for a classified position must go in his attempt to achieve a place on an employment list.
22. “Lay off”: The removal of an employee, in accordance with the provisions of this Act, because of lack of work, failure of financial appropriation or other causes which do not reflect on the employee.
23. “List”: The official register of names of persons eligible for appointment to the various classes of positions in the classified service.
24. “List of nominees”: The list of nominees named by the respective Civic Clubs for the purpose of filling vacancies on the Board.
25. “Open list”: A list to which eligibles may be added from time to time through the continuous examination procedure.
26. “Part Time Labor”: Labor hired for temporary work, not to exceed six months per year, and paid on an hourly basis.
27. “Pay”: Salary, wage, fees, allowance, and all other forms of valuable consideration, or the amount of any one or more of them, earned by or paid to an employee by reason of service rendered in any position, but does not include any allowance for expense authorized and incurred as an incident of employment.

Rule I Definitions, Number 14 Department Head. 1/30/06, 9/12/2007. Amended.

28. “Pay Plan”: All the rates of compensation prescribed by the board.
29. “Position”: Any office and employment in the municipal department, the duties of which call for service to be rendered by one person.
30. “Probational Appointment”: The appointment of an employee, following the certification of his name from a list, to begin or to continue his working test.
31. “Promotion”: A change of an employee in the classified service from a position of one class to a position of another class for which a higher minimum rate of pay is prescribed.
32. “Promotional Employment List” or “Promotion List”: An employment list containing the names of eligible persons established from the results of promotion tests given for a particular class of positions which is not specifically required to be established from the results of a competitive test.
33. “Promotional Test”: A test for positions in a particular class which is not specifically required to be filled by competitive tests, admission to which is limited to regular employees of the class, or the next lower class when authorized by the rules, in the classified service.
34. “Provisional Appointment”: The temporary appointment of a person to a position in the absence of an eligible list or classification plan.
35. “Public hearing”: A hearing held after at least one (1) public notice in the official journal or journals of the City of Abbeville not less than five (5) days before the meeting, at which any person may have a reasonable opportunity to be heard, in accordance with the rules and regulations adopted by the Board.
36. “Public notice”: Shall consist of the posting of a notice of intention on the part of the Board to take a certain action. This notice shall be posted on the official bulletin board of the Municipal Departments.
37. “Reallocation”: A change of position from one class to any other class to correct an error in the previous allocation.
38. “Reassignment”: The change within the same department of an 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.
39. “Re-employment List”: An employment list for the entrance or lowest ranking class in the classified service or any group of classes which have been grouped in the classification plan containing names of regular employees who have been laid off under the “lay off” provisions of this Act. This list shall not be applicable to persons who have been discharged.
40. “Regular Appointment” or “Permanent Appointment”: The confirmation of appointment of an employee who has been appointed from a list and has successfully completed his working test.

41. “Regular Employee” or “Permanent Employee”: An employee who has been appointed to a position in the classified service in accordance with the provisions of this Act after completing his working test.
42. “Reinstatement Employee List” or “Reinstatement List”: An employment list containing names of persons eligible for reinstatement in positions of a class from which they have been demoted for reasons other than disciplinary action.
43. “Removal” or “Dismissal”: The termination of employment for cause.
44. “Resignation”: The voluntary termination of employment of an employee.
45. “Selective certification”: Certification to the appointing authority, by the Director, of a list of names of persons who have been specifically selected from an appropriate employment list because of their possession of certain necessary and specified qualifications.
46. “Sick leave”: Absence from duty because of the employee’s (1) illness or injury (2) quarantine by health authorities. Sick leave shall be granted for absence because of death in the immediate family of the employee. The term immediate family shall include the spouse, son, daughter, father, mother, grandfather, grandmother, brother, sister, niece, and nephew of the employee or the employee’s spouse. Step and foster family members in the above list are also included in this definition. Immediate family members, as defined above, do not have to reside in the same household as the employee. However, other relatives of the employee not contained in this list; must reside in the same household as the employee for the employee to qualify for the leave.
47. “Suspension”: The enforced leave of absence without pay of an employee for disciplinary purposes or during an investigation of alleged misconduct by the employee.
48. “Termination of service”: Separation of an employee from his position by reason of death, resignation, layoff, dismissal, expiration of his term of appointment, or failure to return after the expiration of a period of authorized leave.
49. “Test”: A specific phase of the examination process, such as a written test, oral test, performance test, oral interview, or experience rating.
50. “Transfer”: The change of an employee from any position in the classified service to any other position of the same class, at the pleasure of the appointing authority.
51. “Temporary Appointment”: The appointment of an employee for a limited period of service without acquisition by the appointee of any continuing right to be retained beyond the period.
52. “Working Test”: Continuous and uninterrupted performance of the duties and carrying out the responsibility of a position as an employee in that position after certification from a list.
53. “Working test period”: The period during which an employee is considered to be in an on-the-

job test situation, immediately following his appointment. The term “probation period” shall be considered identical with the term “working test period”.

54. “Working test period employee”: An employee who has been appointed to a position from an employment list, but who has not completed his working test period. The term “probational employee” shall, be considered identical with the term “working test period employee”.

RULE II
ORGANIZATION, RULES AND PROCEDURES OF BOARD

Section 1 Organization of Board

- 1.1 The election of chairman and vice-chairman: The Board shall meet each year within thirty (30) days after the date of the appointment which is made to fill the term of the member whose term has expired, at which time the oath shall be administered to the new members, a chairman and vice-chairman shall be elected, and any other business transacted. The vice-chairman shall assume the duties of chairman in the absence of the chairman.
- 1.2 Term of chairman and vice-chairman: The chairman and vice-chairman shall serve for a term of one (1) year, or until his successor is duly elected.
- 1.3 Termination of Board members: The term of any officer or member shall terminate upon his death, or resignation from the office or from the Board or removal from the Board, and in such event the vacancy shall be filled within forty—five (45) days of the termination date as set forth in Section 2 (E) of Act 85. The term of the new member shall be for the unexpired term if the successor is replacing a member whose term was not completed, or a period of six (6) years from the expiration date of the retiring member when the retiring member has completed his full term of service.
- 1.4 Rules of order: The Board shall not be bound by any rules of order, evidence or procedure in its meetings, hearings or investigations except such as it may itself establish.

Section 2 Rules

- 2.1 Adoption or amendment: Rules shall be adopted or amended by the Board either in its proposed or revised form, after a public hearing at which any municipal officer, employee, private citizen, and the Director shall be given an opportunity to show cause why the proposed rule, amendment, or any part thereof should not be adopted. Before the Board shall hold any public hearing, it shall furnish at least ten (10) days in advance thereof a notice of the date, time, and place therefor to the City Council. A copy of all proposed rules to be presented at any such hearing shall be furnished with all such notices therefor. A notice shall be furnished with all such notices therefor. A notice shall be posted upon the bulletin board of each department of the city for a period of at least seven (7) days in advance of the said hearing.
- 2.2 Within fifteen (15) days after the Board shall have adopted any such rule, or the abolition of a rule in whole or in part thereof, it shall furnish an official copy thereof to the City Council.
- 2.3 Rules adopted under the authority provided by this section shall have the force and effect of law.
- 2.4 Effective date of rules: Unless otherwise specifically provided, any rule or amendment to the

rules shall become effective on the first day of the month following the date of approval of the rule or amendment by the Board.

Section 3 Meetings

- 3.1 The Board shall hold a minimum of one (1) regular meeting within each quarterly period of each calendar year.
- 3.2 Upon notification by the chairman of the Board, the Director of Personnel shall notify each member of the Board of the time and place of all meetings.
- 3.3 It shall be the policy of the Board to hold open, public meetings, except that the Board may exercise the right to enter into executive session whenever it deems necessary.
- 3.4 Three (3) members of the Board shall constitute a quorum for the transaction of business.
- 3.5 The Director of Personnel shall act as secretary to the Board and shall keep adequate minutes and other records of the official actions and business of the Board.

Section 4 Appeals, Hearings, Testimony

- 4.1 Regular employees in the classified service shall have the right to appeal to the Board from suspension, fine, dismissal, reduction in pay or demotion, to test the reasonableness of such action.
- 4.2 Persons who shall have applied for or shall have been examined for the classified service and allege that they have been discriminated against in review of their applications, admission to the examination, the scoring of examinations, or the establishment of eligible lists and certification shall have the right to appeal to the Board to test the reasonableness of such action.
- 4.3 Persons appealing to the Board shall do so in writing, specifying the reasons for requesting a hearing.
- 4.4 Appeals to the Board shall be filed within fifteen (15) days of the action or actions taken against the employee by the appointing authority.
- 4.5 The Board shall initiate a hearing of the appeal within sixty (60) days after receipt of the request, and shall have the right to continue the hearing from time to time for good cause.
- 4.6 Appeals to the Board shall be decided promptly, but in any event within sixty (60) days after completion of a hearing.
- 4.7 Parties shall have the right, but shall not be required, to be represented by counsel.
- 4.8 The Board shall make its decision on hearings based on the facts presented by the parties

concerned.

- 4.9 No hearing and investigation shall be held unless both the employee and the appointing authority shall have been advised at least ten (10) days in advance of the date, time and place therefor by registered mail. If either the appointing authority or the employee fails to appear at the place and on the day and the hour fixed for such hearing, the 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 said employee was or was not for just cause as set forth in the provisions of Act 85.
- 4.10 The Board shall not be required to have the testimony taken and transcribed at a hearing, but either the employee or the appointing authority may, at its own expense, make the necessary arrangements therefor. In such cases, the Board may name any competent shorthand reporter as the Official Recorder. In cases where the employee or the appointing authority desires testimony taken and transcribed, it shall be necessary that the Director be notified of this intention at least five (5) days in advance of the hearing in order that arrangements may be made for recording the proceedings.
- 4.11 The decision of the Board, together with its written finding of fact, if required, shall be certified in writing to the appointing authority and shall be forthwith enforced by such appointing authority.
- 4.12 Any employee under classified service and any appointing authority shall have the right to appeal from any decision of the Board, or from any action taken by the Board under the provisions of Act 85 which is prejudiced to said employee or appointing authority. This appeal shall lie direct to the court of original and unlimited jurisdiction in civil suits of the parish wherein the Board is domiciled. Such appeal shall be taken by serving the Board, within thirty (30) days after entry of its said decision, a written notice of appeal, stating the grounds thereof and demanding that a certified transcript of the record, or written findings of fact, and all papers on file in the office of the Board affecting or relating to such decision, be filed with the designated court. The Board shall, within thirty (30) days after the filing of such notice of appeal, make, certify and file such complete transcript with the designated court and that court shall thereupon proceed to hear and determine such appeal in a summary manner; provided, however, that such hearing shall be confined to the determination of whether the decision made by the Board was or was not made for just cause under the provisions of Act 85 and no appeal to such court shall be taken except under such stated grounds.
- 4.13 All such hearings and investigations provided in this rule shall be open to the public.
- 4.14 Any municipal officer or employee who shall fail to comply with the provisions of Act 85 of 1963 or any rule, regulation or order thereunder shall be subject to all penalties and remedies as are now or hereafter provided by law for the failure of a public officer or employee to do an act required of him by law. The Board may maintain such action or proceeding as it considers necessary or appropriate to secure compliance with Act 85 of 1963 and the rules, regulations and orders thereunder.

- 4.15 Refusal to testify: Any officer or employee in the classified service who shall willfully refuse or fail to appear before any court or any officer, board or body or person properly authorized to conduct any hearing or inquiry, or if such employee or officer, having appeared, shall refuse to testify or answer any relevant question relating to the affairs of any municipal officer or employee, except upon the ground that his testimony or answers would incriminate him, shall, in addition to other penalties to which he may be subjected, forfeit his position, and shall not be eligible for appointment to any position in the classified service for a period of six (6) years.

Section 5 Oaths, Subpoenas, Production of Records

- 5.1 The Board, each member of the Board, and the Director shall have the same power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by Act 85 as is possessed by the district courts of the State of Louisiana. All Applications for the issuance of subpoenas must be in the hands of the Board at least five (5) business days prior to the date established for the hearing and said application shall contain the full name and address of all persons to be subpoenaed.

RULE III
CLASSIFICATION PLAN

Section 1 Creating Classes and Allocating Positions

- 1.1 Whenever, in the opinion of the Director, there is necessity for establishing a new class, or revising or abolishing an existing class in the classification plan, he may anticipate formal action of the Board by adding the new class or revising or abolishing an existing class. Such action shall be subject to ratification by the Board at its next regular meeting.
- 1.2 Hearings on appeals from allocations: If an employee believes that his position has been improperly allocated, he may protest the allocation by presenting such forms or documents as the Director may prescribe. The Director or any person designated by him may hold special hearings to determine the facts of each case and the Director shall make his decision on the basis of the written statements and forms presented by the employee and on the facts brought out in the hearing. Employees shall have right to appeal to the Board if dissatisfied with the action of the Director after filing a written request with the Director for said hearing.

Section 2 Force and Effect of Classes

- 2.1 The specifications of the classes of positions in the classification plan, and their various parts, shall have the following force and effect:
 - (a) In a class specification, the use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality.
 - (b) In determining the class to which any position should be allocated, the class specification shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualification requirements, and relations to other classes, as together affording a picture of the kind of employment that the class is intended to embrace.
 - (c) Qualifications commonly required for positions of different classes; such as acceptable physical conditions, freedom from disabling defects, United States citizenship, qualified voter if eighteen or over, honesty, sobriety, and industry, shall be deemed to be implied as qualification requirements for entrance to each class even though they are not specifically mentioned in the specifications.
 - (d) Code numbers assigned to each class of positions by the Director of Personnel may be used in all official records of the city in place of the actual title.
- 2.2 Repealed

Rule III, Section 2.2. 12/6/95. Addition. 1/23/08. Repealed

Section 3 Status of Incumbent when Duties Increase

- 3.1 Subject to approval by the Board, when a position is allocated to a higher class because of a gradual change in its duties, the Director deems it impracticable to hold an examination to fill the position, the incumbent, if a regular employee, may continue to occupy the position under the higher classification on a permanent basis provided he meets the minimum qualifications for that position.

RULE IV
EXAMINATIONS

Section 1 Appointment of Examiners and Preparation of Examinations

- 1.1 The Director may select officers or employees in the city service to act as examiners in the preparation and rating of tests. An appointing authority shall excuse any employee in his Department from his regular duties for the time required for his work as an examiner. Officers and employees shall not be entitled to extra pay for their service as examiners.
- 1.2 The Director, may, for the purpose of assisting in the examination of candidates for positions of high responsibility and positions requiring unusual qualities or qualifications, retain the services of persons from within or without the city who, because of their experience or for other reasons, have special acquaintance with the qualities requisite for such positions.

Section 2 Admission to Examinations

- 2.1 The minimum age for entrance to any and all examinations shall be eighteen (18) years of age and the applicant must be a qualified voter.
- 2.2 In all tests for original entrance, preference is to be given both by the Board and the appointing authority to a qualified voter and resident of the City of Abbeville when all things are relatively equal in respect to ability, experience, training, and education, as compared to a non-resident of the City of Abbeville.
- 2.3 The Director shall give written notice at least fifteen (15) days in advance of any tests for appointment by posting the same on the bulletin boards of the Municipal Departments and by mailing a notice to the heads of the departments, whose duty it shall be to post on their respective bulletin boards on the date received. All such notices shall remain posted to and including the date specified by the Director. The Director may also advertise tests in newspapers, professional and trade publications, post notices thereof in schools and colleges, and employ any other methods of publicizing tests which he considers appropriate.

In the event announcement for open and competitive examination, an abstract of which was published in the official journal, yields no qualified applicants, then the Appointing Authority may initiate a request for subsequent announcements to be posted with a minimum rate other than the adopted starting rate for the specified classification; provided, the Civil Service Board and the Director approve said rate prior to the posting of the subsequent announcement. The Civil Service Board and the Director may approve the Appointing Authority's request or recommend an alternate minimum rate deemed proper based on factors such as market competition.

Rule IV, Section 2.1. 7/23/1983. Amended.

Rule IV, Section 2.2. 4/1/1988. Addition.

Rule IV, Section 2.3. 3/8/2006. Amended.

- 2.4 The Director shall reject any application filed after the time fixed for closing receipt of applications and/or after a specified number of applications announced in the public notice of tests has been received.
- 2.5 The Director, subject to the rules, may reject the application of any person for admission to any test of fitness or refuse to test any applicant, or may cancel the eligibility of any eligible on any employment list, who is found to lack any of the qualifications prescribed as requirements for admission to the tests for the class for which he has applied, or because his character or reputation is deemed unfit for employment in that class, or who is physically or mentally unfit to perform effectively the duties of a position of the class, or who has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his application or his tests or otherwise in securing eligibility for appointment or attempting to do so. Any such facts shall also be considered cause for removal of any employee.
- 2.6 The time fixed for closing receipt of applications shall be twelve o'clock noon on the date announced in the public notice of tests. Applications received in the office of Civil Service after this time shall be rejected.
- 2.7 If the date of closing receipt of applications should fall on a legal holiday recognized by the government of the City of Abbeville, then the official closing date shall be the next business day following the holiday.
- 2.8 Military preference: Five (5) points shall be added to the grade on examinations for all examinees with military service under honorable conditions provided that the points may be added only after a passing grade or score is attained. Examinees claiming preference under the provisions of this rule must present discharge papers to the Director for inspection.
- 2.9 Within sixty (60) days after the date on which a test is held, the Director shall complete the rating and prepare the list or lists of results and notify all applicants of their status on the test.
- 2.10 Repealed

Section 3 Continuous Examinations

- 3.1 The Director may, subject to these rules, hold examinations for which no final filing date has been set, which will be given on more than one (1) date, and from which the resulting employment list is an open list. In providing means by which continuous examinations for a class of positions shall be held, the Director may determine the length of time to be elapsed before a candidate may reapply for an examination for which he failed to qualify as an eligible.

Rule IV, Section 2.10. 9/26/1983. Addition. 4/1/1988. Repealed.

Section 4 Results of Examinations

- 4.1 Method of breaking ties in ratings: If two (2) or more eligibles have final ratings which are identical, priority standing on the list shall be determined on the following basis, which shall be used in the order named as far as may be necessary to break the tie; (1) persons granted military preference under the rules; (2) persons receiving the higher scores on their written tests; (3) persons receiving the higher scores on their performance tests; (4) persons receiving the higher ratings on training and experience; (5) persons whose completed official applications were received first in the office of Civil Service. Should a complete tie still exist after application of this system, all shall be given identical ranks on the eligible list.
- 4.2 Open lists: The order of names on an open list, and the period for which an eligible's name shall remain on an open list, shall be governed by the following: (1) the period of eligibility for each person on such lists shall be six (6) months, unless extended in accordance with Section 5.3 of this rule; (2) eligibles shall be listed on the employment list in accordance with their highest rating on the examination, subject to the provisions of Section 2.2 of this rule.
- 4.3 The Director shall keep the papers and other documents of candidates for examinations available for their inspection for a period of thirty (30) days after the date of notification of test results. Persons requesting an opportunity to inspect their papers or other documents shall arrange for an appointment in the manner and on the forms prescribed by the Director.
- 4.4 A manifest error in rating a test shall be corrected if called to the attention of the Director within thirty (30) days after the establishment of the list, but such correction shall not invalidate any appointment previously made from such a list.

Section 5 Establishment of Promotion Lists and Employment Lists

- 5.1 On every promotion and employment list the eligibles shall be ranked in the order of their ratings earned in the examination given for the purpose of establishing the list.
- 5.2 The Director shall determine at the time any promotion or employment list is established, the period during which the list shall remain in force, which shall be not less than six (6) months, or more than three (3) years.
- 5.3 The period during which any list may remain in force may be extended by the Director, but no list may be extended for a period longer than three (3) years from the date of the original establishment thereof.
- 5.4 Promotion lists: Such lists may be established on a service-wide, or a Departmental-wide basis as determined by the Director in cooperation with the appointing authorities.

Rule IV, Section 4.1. 7/25/1983 Amended. 7/1/1988 Amended.

Section 6 Postponement and Cancellation of Tests

- 6.1 In the event that a sufficient number of qualified candidates have not made application for a test, the Director may postpone the final filing date and the date of tests or cancel the tests and shall, in each such case, give suitable notice thereof to the applicants.

Section 7 Removal of Names from Lists

- 7.1 Names of eligibles shall be removed from an eligible list by operation of any of the following causes:
- (a) Refusal of three (3) offers of appointment.
 - (b) Appointment through certification from such list to fill a permanent position.
 - (c) Filing of a statement by the eligible that he is not willing to accept appointment.
 - (d) Failure to respond, within the time specified in the notice, to any inquiry of the Director or appointing authority if satisfactory evidence is not furnished justifying such failure to respond.
 - (e) Failure to report for work after accepting appointment.
 - (f) Expiration of the term of eligibility on an eligible list.
 - (g) Notice by postal authorities of their inability to locate eligible at his last known address.
 - (h) Death of eligible.
 - (i) Review of eligibility of an eligible who is found to lack any of the qualifications prescribed as requirements for admission to the tests for the class for which he has applied, or who is physically unfit to perform effectively the duties of a position of the class, or who is addicted to the habitual use of drugs or intoxicating liquors to excess, or who has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his application or in his tests or otherwise in securing eligibility for appointment or attempting to do so.

Section 8 Non-competitive Examination

- 8.1 When he deems it impractical to hold competitive examinations, the Director, with the approval of the Board, may hold non-competitive entrance and promotional examinations for positions in certain classes of work for which it is difficult to recruit applicants either because

of the salary ranges provided for the classes or because of a scarcity of applicants possessing the prescribed and required technical, professional, or other qualifications or for any other valid reasons rendering it impractical to hold competitive examinations.

Section 9 Method of Examination

9.1 The Director may examine applicants for entrance level and promotional examinations on the basis of written tests, performance tests, rated experience and training, oral tests, or any combination of these methods that he deems advisable for the class being tested. The method used shall be practical and in the best interest of the city service.

Section 10 Weighted Value of Examinations

10.1 Whenever any method of testing as outlined in Section 9.1 of this rule is used individually or in combination, the following weighted values shall be used:

	Written or Oral Test	Experience and Training	Performance Test	Passing Grade
(a)	100%	-0-	-0-	70%
(b)	-0-	100%	-0-	70%
(c)	-0-	-0-	100%	70%
(d)	50%	30%	20%	70%
(e)	60%	40%	-0-	70%
(f)	50%	-0-	50%	70%
(g)	-0-	50%	50%	70%

RULE V
VACANCIES, CERTIFICATION AND APPOINTMENT

Section 1 Filling of Vacancies

- 1.1 Vacancies in positions in the classified service shall be filled by demotion, transfer, reinstatement, re-employment, promotion, competitive appointment, or temporary appointment.
- 1.2 Preference shall be given to the methods names in the order in which they are named above, under the conditions and subject to the restrictions and limitations set forth in the rules.
- 1.3 A vacancy shall be considered filled under any of the methods specified, as of the date on which the appointment is made and employment thereunder shall be effective as of the date on which the employee enters on the duties of the position as directed by the appointing authority.
- 1.4 Transfer: An employee may be transferred from any position in the classified service to any other position in the same class at the pleasure of the appointing authority when the employee consents to the transfer in writing, with the Director's Office. If the employee protests the transfer, then the transfer must be approved by majority vote of the Board and approval shall not be withheld when it is shown to be in the best interest of the service. No employee shall be transferred from a position in one (1) class to a position in another class having a higher minimum salary. Any change of an employee from a position in one (1) class to a position in a class having a lower minimum salary shall be considered a demotion.
- 1.5 Reassignment: An employee may be changed from a position in one (1) class to another position in a different class provided both classes have the same minimum rate of pay and the employee meets the minimum requirements for the class of positions he is being reassigned to. Reassignments must be approved by majority vote of the Board, which approval shall not be withheld when it is shown that the reassignment is in the best interest of the service; provided, that Board approval shall not be required when the employee agrees to the reassignment in writing with the Director's Office, in which case only verification by the Director of the employee's qualifications shall be required.

Section 2 Request for Certification

- 2.1 Anticipation of need: Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the Director to determine who may be available for appointment, and if necessary, to prepare a class specification, and to establish a list of eligibles.

Rule V Section 1.4. 4/1/86. Amended.

Rule V, Section 1.5. 4/1/86. Amended.

- 2.2 Selective certification: The appointing authority may request certification of eligibles requiring special abilities over and above the qualification requirements of a given class to fill a position for which such special ability is desirable. If the Director approves such request he shall require the special ability or age range on the announcement for examination. Nothing in said selective certification shall be approved that is contrary to the purpose and intent of Act 85 of 1963 or any rule adopted hereunder.

Section 3 Certification of Eligibles

- 3.1 Upon a request from the appointing authority to fill a position other than by demotion, transfer, or reinstatement, the Director shall certify to the appointing authority the names of five (5) eligibles for such position of the class of the vacant position, and if more than one (1) vacancy is to be filled, the name of one (1) additional eligible for each additional vacancy. In cases of demotion, transfer or reinstatement, the Director shall approve or disapprove the name of the person submitted by the appointing authority.
- 3.2 The eligibles certified shall be the highest ranking eligibles willing to accept employment, ranked in the following order: (1) all the eligibles on the appropriate re-employment list, if any; (2) those on a promotion list, if any; (3) those on an entrance employment list. All the names on any one (1) such lists shall be exhausted before any names are certified from another list, but the names certified may be taken from two (2) or more lists if necessary to make a certification of five (5) eligibles. Names shall be certified from each list in the order of their rank on that list.
- 3.3 Within twenty (20) days after such names are certified, the appointing authority shall appoint one (1) of those whose names are certified to each vacancy which he is to fill. In each case of acceptance of an appointment, such appointment shall become effective as of the date on which the appointment is made.
- 3.4 If the appropriate lists do not contain the names of a sufficient number of eligibles willing to accept appointment to make possible the certification of five (5) eligible persons, the names of all persons on such lists who are willing to accept appointment shall be certified.
- 3.5 Where fewer than three (3) names are certified to fill a vacancy, the appointing authority may make the appointment from the names certified. If less than three (3) names can be certified from the lists, the appointing authority may appoint any other persons he deems qualified on a provisional basis.
- 3.6 When a vacancy is to be filled in a position of a class for which there are no eligibles available for certification, the appointing authority may make a temporary appointment.

Rule V, Section 3.3, 1/22/98. Amended.

Rule V, Section 3.4, Section 3.5, 9/8/88, Legislative Act 85 Amendment.

- 3.7 Part time employees: Appointing authorities may make appointments for project or seasonal work without compliance with all the requirements of these rules provided that such appointments must be approved by the Director prior to commencement of work and such employees shall be paid on an hourly basis and their employment cannot exceed six (6) months in duration in any consecutive twelve (12) month period.

Section 4 Re-employment

- 4.1 Re-employment lists shall consist of the names of persons who were separated from their positions for reasons other than fault or delinquency on their part, and who, at the time of their separations, had attained permanent status in accordance with the law and rules in that class of positions. The order in which these names shall be ranked on the re-employment list shall be in accordance with their number of years of continuous city employment in that class of positions. In case two (2) or more employees have equal service in that position, the person who has the greatest number of years of continuous service in city employment shall be ranked highest. No person may be certified from a re-employment list or be re-employed if he has reached a retirement age, or has voluntarily retired.
- 4.2 The name of a regular employee who has been laid off shall be placed automatically on the appropriate re-employment list for the class of positions which he occupied. His name shall remain on this list for a period of two (2) years from the date of separation unless removed earlier by any of the provisions of the law or Rule IV, Section 7.1. Until his re-employment is affected within the Department from which he was separated, or until his period of eligibility has lapsed, his name shall be certified on a service-wide basis to vacancies in that class of positions.
- 4.3 A regular employee who has been demoted from a higher class to a lower class for reasons other than disciplinary or incompetency, shall be placed on a reinstatement list and reinstated to his former position with priority over all other lists when the position he vacated becomes open.
- 4.4 A regular employee who has been demoted from a higher class to a lower class due to disciplinary reasons shall not be placed on a reinstatement list for the position he vacated until such time as the appointing authority requests that said employee be placed on a reinstatement list, but in no event shall said period exceed three (3) months. At the time said request is made, the employee shall acquire the rights and privileges provided in Section 4.3 of this rule. An employee demoted under the disciplinary provisions of this section shall lose all rights and privileges for promotion tests that may arise during his disciplinary period.
- 4.5 A regular employee who has been demoted because of incompetency shall not be placed on a reinstatement list, but shall be granted the rights and privileges of taking promotion tests, provided he meets the minimum requirements for such tests.

Section 5 Substitute and Temporary Appointments

- 5.1 With the approval of the Director or the Board, a substitute appointment may be made to any position in the classified service from which the regular and permanent employee is on authorized leave of absence. Any person employed on a substitute basis shall, for the duration of the substitute appointment, enjoy the class title and receive the rate of pay for the class and position so occupied. This rule shall apply to all authorized leaves of absence in excess of two (2) weeks. It is to be understood that the rate of pay specified herein shall be governed by the appointing authority and may be any one of the step increments in the scale of rates provided for the position being filled, which in the opinion of the appointing authority, is fair and just. If the leave of absence is extended over a long period of time, the substitute appointee may receive additional increases at the discretion of the appointing authority, subject to the rules on pay increases expressed elsewhere in these rules.
- 5.2 Temporary appointments to positions in the classified service may be made for short periods without compliance with the provisions requiring certification, as follows;
- (a) Provisional appointments: When a vacancy is to be filled in a position of a class for which there are no eligibles available for certification, the appointing authority, with the prior approval of the Director, may make a provisional appointment. Appointment of such provisional shall be made only after submission of the name and qualifications of the intended appointee to the Director and such individual is approved for appointment. Such provisional appointment shall terminate upon the regular filling of the vacancy in any manner authorized under these rules and in any event, within fifteen (15) working days after a certification from which appointment can be required. A provisional appointment shall never continue for a period in excess of three (3) months unless it is extended by the Board upon the Director's certification that eligibles are not available and that it is not possible or practicable to provide such eligibles.
- (b) Emergency appointments: Where an emergency exists requiring that a position be filled before appointment can be made under any other provisions of these rules, an emergency appointment may be made with the approval of the Director to serve until the position involved can otherwise be filled under the provisions of these rules, provided that:
- 1) the person being considered for appointment occupies a position in the classified service and meets the qualifications of the position to be filled;
 - 2) the duration of the appointment must be a minimum of eight hours during a twenty-four hour period but cannot exceed ten (10) consecutive work days or be renewed for any further period beyond that limit;
 - 3) the assigned rate of pay for this appointment shall be the minimum (Step 1) of the range assigned to the position to be filled or if equal to that person's present rate of pay shall be the next succeeding step in that range greater than the person's present rate of pay without exceeding the maximum step in that range.

Section 6 Status of Provisional Appointees

- 6.1 Provisional employees as provided in these rules and under the provisions of Act 85 of 1963 shall have no Civil Service status and do not possess any of the rights and privileges set forth herein. The status of said employees is of a temporary nature and subject to competitive examination.
- 6.2 As soon as examinations are prepared, it shall be the duty of the Director to advise the appointing authority in writing that he is ready to examine the class in which provisional appointees are occupying a position. The appointing authority shall have the option, within ten (10) days of the date of said notice to abolish the positions or request certification of eligibles to fill the positions on forms prescribed by the Director.
- 6.3 If request for certification is exercised under the provisions of Section 6.2 of this rule, the Director shall announce the examination as required by law and notify the provisional appointees in writing of the examination requirements.
- 6.4 If the appointing authority decides to abolish the position or positions within the option provided in Section 6.2 of this rule, he shall forthwith lay off said employees within the ten (10) day period set forth.

Section 7 Repealed

Rule V, Section 5.2 (b), 4/1/88, 9/1/99. Amended.
Rule V, Section 7, 7/25/83. Repealed.

RULE VI
WORKING TESTS

Section 1 Employees to Serve

- 1.1 Every person appointed to a position in the classified service after certification of his name from a competitive employment list, except those on a temporary basis or following promotion, shall be evaluated by a working test while occupying the position. The working test evaluation period shall be one hundred and eighty (180) days in duration. The evaluation provisions are as follows:
- a. The employee will be given a written evaluation of work performance by the Department Head or the designated representative at ninety (90) days {3 months}, and then again at one-hundred and eighty days (180) days {6 months}. This information will be submitted to the Director, Appointing Authority, the employee, and will go into the employee's permanent employee record.
 - b. No later than thirty (30) days from the conclusion of the working test the Appointing Authority shall review the information from the evaluations and make a determination as to the acceptance of the employee as a regular and permanent employee in the respective position, or of the refusal to confirm the employee. The Appointing Authority shall so advise the Director of their decision. The appropriate forms will be prepared by the Director, signed by the Appointing Authority, Department Head, and the employee. If no action is taken by the appointing authority by the conclusion of the thirtieth (30th) day following the working test period, the employee shall be deemed confirmed.
 - c. At any time during the working test, the Appointing Authority may remove an employee if, in the opinion of the Appointing Authority and Department Head, the evaluation indicates that (a) the employee is unable or unwilling to perform his duties satisfactorily or, (b) his habits and dependability do not merit his continuance in the service.
- 1.2 If an employee is removed from his position during his working test period, the Appointing Authority shall forthwith report to the Director and to the employee removed, his action and the reason thereof. The Appointing Authority may remove an employee within the first three (3) months of his working test period only with the approval of the Director. The Appointing Authority may remove an employee during his working test period if they find, after giving him notice and an opportunity to be heard, that the employee was appointed as a result of fraud or error. The period of the working test shall commence on the date of appointment.

Rule VI, Section 1.1, 3/14/07. Amended
Rule VI, Section 1.1, 12/16/08. Amended
Rule VI, Section 1.1, 10/10/12. Amended
Rule VI, Section 1.2, 3/14/07. Amended

1.3 Repealed

1.4 If an employee is removed from his position during or at the end of his working test period and the Director determines that he is suitable for appointment to another position, his name may be restored to the list from which it was certified.

Section 2 Interruption of Working Tests

2.1 If an employee is laid off during a working test period and subsequently reappointed by the appointing authority from the same eligible list, he shall be given credit for the portion of the working test period completed before he was laid off.

2.2 If an employee is placed on military leave while serving his working test period, he shall be given credit for the portion of the working test period completed before he was placed on military leave.

Rule VI, Section 1.3, 12/16/08. Repealed

RULE VII
ANNUAL AND OTHER LEAVES OF ABSENCE

Section 1 Annual Leave

1.1 Annual leave shall be granted to classified employees for the purpose of rehabilitation and restoration and maintenance of work efficiency or transaction of personal affairs which include, but are not limited to, such absences as vacations, illness in family, attending funerals other than immediate family, and other deserving matters at the discretion of the department head as follows:

- | | |
|---|---------|
| (a) After the first (1) year of service | 7 days |
| (b) After the second (2) and third (3) years of service | 12 days |
| (c) After the fourth (4) through ninth (9) years of service | 16 days |
| (d) After the tenth (10) through nineteenth (19) years of service | 20 days |
| (e) After the twentieth (20) year and thereafter | 24 days |

Provided that any employee qualifying for 14 days of annual leave under any plan in effect as of January 1, 1978, will continue to receive 14 days annual leave until such time as he is qualified for the next step.

1.2 Classified employees may carry forward to the next calendar year up to one-third of the days of annual leave earned that year. Any unused annual leave in excess of one-third shall be credited to the employee's sick leave account.

1.3 Taking annual leave:

- a) Annual leave must be applied for by the employee and may be used only when approved by the Department Head.
- b) Annual leave shall not be chargeable for non-work days such as regular days off or regular and special holidays.
- c) Repealed.

1.4 Termination of employment: Upon termination of employment, the employee shall be paid for unused annual leave earned during the prior calendar year. In case of death of the employee, unused annual leave shall be paid to the legal heir of the employee.

Rule VII, Section 1.1, 4/3/78. Amended.

Rule VII Section 1.2, 4/1/81. Amended.

Rule VII Section 1.3 (c), 10/8/79, Addition. 9/5/91, Repealed.

Rule VII, Section 1.4, 6/13/01, 6/4/03. Amended.

Section 2 Sick Leave

- 2.1 All employees in the classified service shall receive one day of sick leave for each calendar month of service up to a maximum of 180 days.
- 2.2 Repealed.
- 2.3 An employee who has taken sick leave shall file with his Department Head a certificate stating the cause of his absence and the amount of leave taken. If the amount of leave taken is in excess of two (2) consecutive days, a registered physician must certify to the nature of the illness or injury and the necessity for absence. If there is a reasonable doubt as to the validity of an employee's claim for consecutive sick leave of two (2) days or less, the Department Head and/or the Appointing Authority may require other acceptable proof that the employee was ill and unable to report to work. When it has been determined that an employee has charged an absence against sick leave, although no actual sickness occurred, the value of absent time must be deducted from the employee's annual leave or if earned annual leave is insufficient, deduction shall be made from employee's pay. In addition, disciplinary action may be taken by the appointing authority.
- 2.4 Workmen's Compensation Insurance payments: If and when the disability of an employee is of a nature that he is entitled to payments under any Workmen's Compensation Insurance which is effective, he shall at his option, be entitled to receive sick leave with pay to the extent that sick leave has accumulated, provided that the City of Abbeville is reimbursed in an amount equivalent to that received by the employee as Workmen's Compensation Insurance while he is on sick leave with pay. It shall be the duty of the employee to reimburse the City of Abbeville payments for sick leave in an amount equivalent to that received as Workmen's Compensation for each day during which payments for sick leave and Workmen's Compensation are both received. After all accumulated sick leave has been used, the employee shall be entitled to Workmen's Compensation only.
- 2.5 On December 31st of each year the unused accumulated sick leave earned by an employee shall be carried forward to the succeeding year.
- 2.6 All accumulated sick leave shall be forfeited upon termination of employment with the City of Abbeville unless such termination is voluntary. Employees shall not be paid for accumulated sick leave upon termination of employment.

Rule VII, Section 2.1, 4/3/78. Amended.

Rule VII, Section 2.2, 3/3/78. Repealed.

Rule VII, Section 2.3. 2/13/03. Addition.

Provided, however, that employees voluntarily terminating their employment with the City of Abbeville and being re-employed shall have their sick leave reinstated as follows:

- (a) Re-employment within three months of voluntary termination – 100% of sick leave reinstated.
- (b) Re-employment within six months of voluntary termination—75% of sick leave reinstated.
- (c) Re-employment within nine months of voluntary termination – 50% of sick leave reinstated.
- (d) Re-employment within twelve months of voluntary termination – 25% of sick leave reinstated.

Any employee re-employed after one year has lapsed since his voluntary termination of employment with the City of Abbeville shall not be entitled to reinstatement of any accumulated sick leave.

- 2.7 Employees on authorized leave of absence without pay shall not earn sick leave during the period of their leave of absence but shall retain all accumulated sick leave up to the time their leave commences.
- 2.8 Transfers, promotion or demotions shall in no way affect the status of earned sick leave.
- 2.9 In computing charges against accrued sick leave, deduction shall be made only for work days. If employee is reimbursing city with workmen’s compensation check, charges of one-half day for each work day shall be made to the employee’s accrued sick leave.
- 2.10 Employees who have used up all accumulated sick leave and annual leave and have not been extended leave without pay under Section 4 of this rule shall be automatically terminated and placed on the appropriate reemployment list. Any employee rehired from such re-employment list shall be assigned the step classification to which he was assigned upon termination. Any employee so rehired shall have annual leave benefits calculated based upon his original employment date less that time in which leave of absence without pay was exercised and less that time between termination and re-employment.

Rule VII Section 2.6. 4/3/78. Amended.
Rule VII Section 2.10. 9/5/91. Amended.

Section 3 Civil and Military Leave

- 3.1 Classified employees and temporary, substitute, and provisional forty-hour workweek appointees employed in excess of three months shall be given time off without loss of pay when performing jury duty, when subpoenaed to appear before a court, public body or board, when performing emergency or civilian duty in connection with civil defense, or for the purpose of serving as an election official in either a primary or general election. Duty as election official must be approved by the appointing authority or his delegated representative. Employees applying for leave under this provision shall provide the official subpoena with the request for absence form executed or in the instance of civil defense or election duty shall provide formal documentation attesting to said responsibility. The following circumstances are excluded from qualifying for civil leave under subpoenas:
- (a) Infractions of any local, state, or federal laws in which the qualifying employee is the defendant
 - (b) Non-work related legal actions implemented by the employee as the plaintiff or against the employee as the defendant; not regulated by the ordinance or civil service for hearings
- 3.2 An employee shall be given time off without loss of pay for the annual two (2) weeks military reserve or National Guard training, however, his annual leave shall be charged one-half (1/2) day for each work day absent.

Section 4 Leave of Absence Without Pay

- 4.1 The appointing authority may, upon written request of an employee and with the approval of the Director, grant a leave of absence without pay in accordance with the schedule below during a period of twelve (12) consecutive months whenever it is determined to be in the best interest of the city.

Continuous Service	Maximum Leave Allowed
Less than six months	30 calendar days
More and six months but less than one year	90 calendar days
Over one year but less than two years	145 calendar days
Over two years but less than three years	200 calendar days
Over three years but less than four years	255 calendar days
Over four years but less than five years	310 calendar days
Over five years	365 calendar days

All leaves of absence without pay requested and granted shall not exceed a period of one (1) year.

Rule VII, Section 3.1. 6/9/05, 9/12/2007. Amended.
Rule VII, Section 4. 5/21/86. Revised.

- 4.2 All leaves of absence without pay shall be granted only after all accumulated sick leave (if applicable) and annual leave in excess of one-third (1/3) of each applicable leave balance at the onset of the illness, injury, or necessity for absence has been exhausted.
- 4.3 Requests for leave of absence without pay may be granted for periods not to exceed thirty (30) consecutive calendar days. Thereafter, all extensions of such leave may be granted in increments not to exceed thirty (30) calendar days.
- 4.4 All requests for leave without pay for illness or injury in excess of two consecutive days must include a statement from a registered physician that the employee is unable to perform his duties and must indicate the approximate length of time that he will be incapacitated.
- 4.5 Employees shall be provided written confirmation, including starting and ending dates of all leaves of absence granted by the appointing authority. When an employee does not return to work at the expiration of the period of leave without pay authorized here in, he shall be automatically considered having abandoned the position and having constructively tendered a resignation.
- 4.6 An authorized leave of absence without pay may be curtailed by the appointing authority when it is determined to be in the best interest of the city and written notice thereof is furnished to the employee ten (10) calendar days in advance.
- 4.7 An employee on leave of absence without pay may return to work with the approval of the Appointing Authority and the Director of Personnel, prior to the expiration of leave authorized, provided:
- (1) A written request to return to work is made to the Director of Personnel and the Appointing Authority five (5) business days prior to the requested return to work date.
 - (2) Requests to return to work from the absences granted for illness or injury must include a statement from all treating physicians that the employee is capable of performing the duties of his classification without restriction.

Employees shall be provided confirmation of requests to amend leave of absence authorized prior to the expected return to work date.

When an employee does not return to work on the date requested and approved, he shall be automatically considered as having abandoned the position and having constructively tendered a resignation.

Rule VII, Section 4.4. Amended. 6/13/01.
Rule VII, Section 4.7, 1/22/08. Amended

Section 5 Maternity Separation

- 5.1 Pregnancy cases shall be treated and governed by the same rules covering any other type of sick leave.

Section 6 Holidays

- 6.1 Holidays specified below shall be observed for all classified employees and temporary/part-time employees appointed under the provisions of Rule V, Section 3.7, Section 5.1 or Section 5.2. Those qualifying employees shall be compensated for paid holiday time equal to hours customarily worked per day based upon that employee's average workweek, not to exceed eight (8) hours.

- (a) New Year's Day
- (b) Day after New Year's Day
- (c) Martin Luther King, Jr. Birthday (3rd Monday in January)
- (d) Mardi Gras
- (e) Good Friday
- (f) Memorial Day (last Monday in May)
- (g) Independence Day (July 4th)
- (h) Labor Day
- (i) Veteran's Day
- (j) Thanksgiving Day
- (k) Day after Thanksgiving Day
- (l) Christmas Day
- (m) Day after Christmas Day

In the event New Year's Day or Christmas Day fall on a Friday or Saturday, then holidays 6.1(b) and 6.1(m) designated as Day After holidays shall not be considered regular holidays and, therefore, will not be observed. In addition, at the discretion of the appointing authority, holidays 6.1(b) and 6.1(m) may be replaced with New Year's Eve & Christmas Eve.

- 6.2 The holidays named in Section 6.1 shall be known as regular holidays. Whenever any of the these holidays named in Section 6.1 falls on a Saturday or Sunday, the previous Friday or the following Monday at the discretion of the appointing authority, shall be observed as the holiday.
- 6.3 Special holidays proclaimed by the Mayor shall not be subject to the provisions of 6.2.

Rule VII, Section 5.1, 7/25/83. Amended.

**Rule VII, Section 6.1. 9/29/86, 9/7/89, 3/7/91, 6/9/05, 12/12/07. Amended.
12/4/96, Addition.**

Rule VII, Section 6.2. 10/20/86, Amended.

Rule VII, Section 6.1, 1/25/12. Amended

- 6.4 Whenever, for the good of the service, the appointing authority or his delegated representative requires that an employee work on a regular or special holiday, the employee shall perform his duties on that day, but shall be entitled to equal time off or one (1) extra day of pay, at the discretion of the appointing authority or his delegated representative.

Section 7 Continuous Service

- 7.1 Continuous service as used in these rules shall mean uninterrupted service from the most recent date of employment, however, authorized leaves of absence without pay as provided elsewhere in these rules, and temporary layoffs or suspensions for less than thirty (30) days shall not be considered as interruption of continuous service.
- 7.2 Employees working in a provisional status shall be given credit for this period in computing continuous service, provided the employee enters into a regular status without any break in his period of service.
- 7.3 An employee who leaves the service of the city for the purpose of entering the United States armed forces shall be entitled to receive continuous service credit for the time served in the armed forces provided that all the following conditions are met: (1) there was no intervening period of employment either before entering the armed forces or after separation therefrom; (2) at least ninety (90) days of military service was performed during time of National Emergency; (3) employee was separated from the armed forces under conditions other than desirable or dishonorable; (4) employee makes written application for reinstatement within ninety (90) days following separation; (5) employee presents a copy of separation documents for verification of military service.
- 7.4 Employees apply for reinstatement under the provisions of Section 7.3 of this rule shall be placed in the same or similar position as the position they vacated and at the rate of pay prevailing for that position at the time they are reinstated.

Section 8 Leave for Death in Immediate Family

- 8.1 An employee shall be given two days off without loss of pay, sick leave or annual leave when a death occurs in the immediate family of the employee. Provided, further, that if the employee desires additional time off, the employee may utilize a maximum of two days of accumulated sick leave. The term immediate family shall include the spouse, son, daughter, father, mother, grandfather, grandmother, brother, sister, niece, nephew of the employee or the employee's spouse. Step and foster family members in the above list are also included in this definition. Immediate family members, as defined above, do not have to reside in the same household as the employee. However, other relatives of the employee not contained in this list; must reside in the same household as the employee for the employee to qualify for the leave.

8.2 An employee who applies for leave under the provisions of Section 8.1 must either provide an obituary or other formal notice of death; or indicate the name and relationship of the deceased, name of church or funeral home, and the date and city of services on the Report of Absence Form to be filed in advance of the intended absence. The Appointing Authority shall have the right to verify any statements provided.

Rule VII, Section 8.2 Addition. 9/4/02.

RULE VIII
DISCIPLINARY ACTION, REMOVALS,
DEMOTION, LAYOFFS

Section 1 Maintaining Standards of Service

- 1.1 When any regular employee in the classified service is unable or unwillingly to perform the duties of his position in a satisfactory manner or has committed any act to the prejudice of the service, or has omitted to perform any act that it was his duty to perform, or otherwise has become subject to corrective action, the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service. The action may extend to (1) removal from the service, (2) retirement, (3) reduction in pay to the next lower rate in the range for the class, (4) demotion to any position of a lower class that the employee is deemed by the appointing authority and the Director to be competent to fill; provided, reduction in pay for said demotion to be set by the Appointing Authority providing the new rate does not bring employee's pay below the minimum of the pay range or below minimum wage, (5) suspension without pay not exceeding in the aggregate thirty (30) days in any period of twelve (12) consecutive calendar months, (6) fine, (7) reprimand or other less drastic measure of discipline which the appointing authority considers proper.
- 1.2 Reasons for corrective action outlined in Section 1.1 of this rule shall be as follows:
- a) Unwillingness or failure to perform the duties of his position in a satisfactory manner.
 - b) The deliberate omission of any act that it was his duty to perform.
 - c) The commission or omission of any act or acts to the prejudice of the departmental service; or any act contrary to public interest or policy.
 - d) Insubordination.
 - e) Conduct of a discourteous or wantonly offensive nature toward the public, any municipal officer or employee; and, any dishonest, disgraceful, immoral, or prejudicial conduct.
 - f) Drinking vinous or spirituous liquors while on duty; and reporting for duty while under the influence of liquor.

Rule VIII, Section 1.1. 11/12/03. Amended.
Rule VIII, Section 1.1 (4) 04/19/10. Amended.

- g) The use of intoxicating liquors or habit forming drugs, liquid, or preparation while on duty or to an extent which precludes such employee from performing the duties of this position in a safe and satisfactory manner.
- h) Falsely making a statement of any material act in his application for admission to any test for securing eligibility or appointment to any position in the classified service, or the practicing or attempting to practice fraud or deception in any such test.
- i) The conviction of a felony.
- j) Using or promising to use his influence or official authority to secure any appointment to a position within the classified service as a reward or return for partisan or political services.
- k) Soliciting or receiving any money or valuable thing from any person or group of persons, for any political party or political purpose.
- l) Inducing, or attempting to induce by threats of coercion, any person holding a position in the classified service to resign his position, take a leave of absence from his duties, or waive any of his rights under the provisions of Act 85 of 1963, or of the rules lawfully adopted hereunder.
- m) The development of any defect of physical or mental condition which precludes the employee from properly performing the duties of the position; or the development of any physical or mental condition that may endanger the health or lives of fellow employees.
- n) The willful violation of any provisions of Act 85 of 1963 or of any rule, regulation, or order adopted hereunder.
- o) Any other act or failure to act which the Board shall approve as being sufficient to show the offender to be an unsuitable or unfit person to be employed in the respective service.
- p) The refusal to submit to a test for illegal drugs or controlled dangerous substances in accordance with the city's employee drug testing policy or the finding unexplained positive test results after submission to tests for illegal drugs or controlled dangerous substances in accordance with the city's drug policy; provided, however, that this rule shall apply only to those employees engaged in employment activities which directly or indirectly affect public safety, including, but not limited to those employees who operate motor vehicles or equipment.

Rule VIII, Section 1.2 (g) 9/5/91. Amended.

Rule VIII, Section 1.2 (p) 9/5/91. Addition.

- 1.3 In every case of removal, suspension, reduction in pay, or fine of any employee in the classified service, or of involuntary retirement or demotion of the employee, the appointing authority shall immediately furnish the employee and the Director a statement in writing giving the complete reasons therefor. The Director shall notify the employee in writing at his last known address that he has a right to make a reply in writing, shall receive and consider the reply and may make an investigation of the facts.

Section 2 Demotions and Abolition of Positions

- 2.1 Demotions of regular employees shall be made by the Department Head when necessary to reduce the number of employees in the classified service or in any class therein. Demotions from any class, except for disciplinary action or because of the abolition of an entire class in the classified service, shall be made by demoting employees in the inverse order of seniority in the departmental service. The names of the regular employees demoted for any reason, except for disciplinary action, shall be recorded upon the reinstatement list for the class from which they are demoted in the order of earned seniority in the class in which the demotions are made.

Section 3 Layoffs

- 3.1 Whenever a position in the classified service is abolished by the appointing authority because of stoppage of work, or lack of funds, or for other causes, the employee in the department involved, of the class affected, who has the least service in that position and class shall be laid off first. The name of such employee so laid off shall be put on the re-employment list in the order in which laid off, namely those with the least seniority at the bottom of the list.

RULE IX
RECORDS

Section 1 Payroll and Attendance Records

- 1.1 It shall be the duty of the appointing authorities to install a system of payroll records. Each payroll shall show the name of the employee, the official class title, the period for which payment is proposed, the rate of pay, and the amount of proposed payment. Such system or systems shall be so designed as to facilitate the maintenance of adequate personnel records and to eliminate duplication of accounting and reporting to the fullest extent practicable.
- 1.2 The appointing authority or his delegated representative shall certify on each payroll or subsidiary document the fact of continuance of authorized employment of a person in a position, the fact of the actual rendering of service in the position or absence from duty with pay on duly authorized leave, the actual number of hours of attendance of duty or other satisfactory way of describing the time worked in the payroll period.
- 1.3 No payment for personal services shall be made by any Department or fiscal officer thereof to any employee in the classified Civil Service of the city until after certification by the Director or designated representative in his absence that such payment is authorized and is in conformity with these rules. The Director's approval on forms relating to personnel transactions shall constitute certification within the meaning of this rule.
- 1.4 The forms prescribed by the Director shall also be used for the authorization for the continuance of the name of the person on a Department payroll. Any change in the status of an employee shall be promptly reported to the Director on the prescribed forms, and when approved by the Director, such forms shall constitute proper authorization for the corresponding change in status of such employee.
- 1.5 If the Director in any case finds that a person has been employed in any position in violation of any provisions of the law or these rules, he shall so notify the responsible fiscal officer and such officer shall not issue payment to such person.

Section 2 Appointment Forms

- 2.1 The Director shall prescribe forms on which appointing authorities shall certify the fact of lawful creation of a position and the fact of lawful appointment of a person to the position. The Director shall also indicate on these forms the proper allocation of the position and the rate of pay at which payment is to be made. When submitted to the appointing authority of Finance these forms shall constitute authorization for the initial placement of the name of a person on a payroll. No person shall then be removed from a payroll, except in accordance with the law and these rules.

Section 3 Leave Records

- 3.1 The appointing authority shall, with the advice and assistance of the Director, install and maintain a leave record showing for each employee who holds a position in the classified service, (1) annual leave earned, used and unused, (2) sick leave earned, used and unused, and (3) any special leave or other leave, with or without pay. Such record shall be documentary evidence to support and justify the certification of authorized leave of absence with or without pay.

Section 4 Examination of Personnel Records

- 4.1 The Director shall, from time to time, examine Departmental payrolls and related records to determine whether or not the persons on such payrolls have been appointed, transferred, reinstated, continued or otherwise employed in violation of any provision of the law and rules and determine if employees are being paid at a rate other than the duly authorized rate.

Section 5 Records of the Office of Civil Service

- 5.1 Except as specifically provided in this rule, the record of the Civil Service Board shall be public records and shall be open to public inspection during office hours. For reasons of public policy the following records shall be held confidential:
- (a) Examinations, examinations materials, tests and the results of tests, except as provided in Rule IV, Section 4.3.
 - (b) Confidential reports and investigations on the character, personality, and history of employees or candidates for positions in the city service.

RULE X
PROHIBITIONS AGAINST POLITICAL ACTIVITIES

Section 1 Prohibited Activities

Political activities by and extending to employees of the classified service are prohibited as follows:

- 1.1 No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.
- 1.2 No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.
- 1.3 No employee in the classified service shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution; and, no person shall solicit any such assessment, subscription, or contribution of any employee in classified service; provided, however, the prohibitions of this subsection shall not be construed as applying to membership dues paid to, or contribution made to, pension funds, civil enterprises, the Louisiana Civil Service League, an association or union of public employees, or any similar non-political and non-partisan organization.
- 1.4 No employee in the classified service shall be a member of any national, state or local committee of a political party, or an officer or member of a committee of any factional or political club or organization, or a candidate for nomination or election to public office, or shall make any political speech in behalf of any candidate seeking to be elected to public office, or shall take part in the management or affairs of any political party or in the political campaign of any candidate for public office, except to express his opinion and to cast his vote.
- 1.5 No person elected to public office shall, while serving in such elective office, be appointed to or hold any position in the classified service.
- 1.6 No appointing authority, or agent or deputy thereof, shall directly or indirectly demote, suspend, discharge or otherwise discipline, or discriminate against any person in the classified service for the purpose of influencing his vote, support, or other political activity in any 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 coerce the political action of any employee in the classified service.
- 1.7 It shall be the duty of the appointing authority to discharge or suspend from the service or reprimand any employee whom he deems guilty of violating any one or more of the provisions of this section; provided, however, the Board may, upon its own initiative,

investigate any officer or employee in the classified service whom it reasonably believes guilty of violating any one or more of the said provisions. It is further provided that any citizen, taxpayer, municipal officer or employee may file with the Board detailed charges in writing against any employee in the classified service for violating any one or more of the provisions of this section; and the Board shall, within thirty (30) days after receiving such written charges, hold a public hearing and investigation; and determine whether or not such charges are true and correct. If the Board should find upon its investigation of any said employee that he has violated any one or more of the foregoing provisions, the Board shall, and it is hereby so empowered, order the appointing authority to forthwith discharge, suspend or reprimand such guilty employee from the service; and the appointing authority shall forthwith discharge, suspend or reprimand such employee.

- 1.8 The appointing authority, its agent or deputy thereof, classified employee, or any other person who violated any provision of this section shall be guilty of a misdemeanor; and, upon conviction thereof, shall be subject to the penalties provided in Section 3 of Act 85 of 1963.

Section 2 Report of Violations

- 2.1 It shall be the duty of any employee or city official to report promptly any violation of the provisions of this rule to the Director, whose duty it shall be to make a thorough investigation concerning the alleged violations and to report his findings to the Civil Service Board.

Section 3 Board Action on Violations

- 3.1 The Civil Service Board, on its own initiative, may at any time investigate any violations of the provisions of this rule by any person. The Civil Service Board, upon the filing of written charges by any person of such violation within one (1) year after the alleged violation, shall investigate such charges. Within sixty (60) days after the filing of the charges as herein provided, the Board shall hold a public hearing concerning these charges. If the Board, after a public hearing in an investigation instituted either on its own initiative or after charges, shall determine that the person or persons under inquiry have violated any of the provisions of this rule, the Board is empowered, in its discretion, to direct the appointing authority having power and supervision over any offending officer or employee in the City Service, forthwith to suspend without pay for any period of time it may designate to dismiss such officer or employee, and such officer or employee shall be suspended or dismissed as directed by the Board.

RULE XI
SEVERABILITY

If any provision or provisions of these rules, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the legality of the remainder of those rules.

RULE XII
PAY PLAN FOR CLASSIFIED POSITIONS

Section 1 Definition of Steps in Pay Plan

- 1.1 The base pay of the Range assigned to each classification will be the minimum pay rate for that specific classification. Requests to hire above Base Pay for exceptionally qualified candidates must be accompanied by written justification, subject to the approval of the Personnel Director, the Appointing Authority, and cannot exceed the Mid-Range hourly rate for that specific classification.

- 1.2 Employees are eligible to increase in salary approved by the Appointing Authority in regards to the employee's classification on the anniversary of their last personnel change not to exceed the Maximum-Range assignment of that range.

Rule XII, Section 1.1. 12/5/83, 4/12/99, 12/13/06. Amended.

Rule XII, Section 1.1. 1/1/96. Addition.

Rule XII, Section 1.2. 3/14/07. Amended.

Rule XII, Section 1.1 and 1.2. 12/10/2012. Amended.

Section 2 Pay Plan Assigned Ranges

Class Code	Classification Titles	Range
1100	Laborer	1
1203	Tax & Permit Specialist	4
1203	Utility Collection Specialist	4
1203	Billing Specialist	4
1205	Accounting Specialist	7
1207	Payroll Manager	9
1209	Billing Manager	9
1211	Secretary/Treasurer	18
1405	Personnel Director	13
1505	Director of Revenue, Regulatory Codes and Permits	13
1705	Utility Service Worker 1	6
1709	Utility Service Worker 2	7
2107	Maintenance Worker 1	2
2109	Maintenance Worker 2	3
2111	Maintenance Worker 3	6
2113	Maintenance Worker 4	8
2205	Equipment Operator 1	4
2207	Equipment Operator 2	8
2209	Equipment Operator 3	11
2301	Street Maintenance Foreman	10
2306	Waste Water Utility Foreman	13
2307	Water Utility Foreman	13
2309	Street Construction and Improvement Foreman	12
2501	Water Plant Maintenance Foreman	10
2502	Lift Station Operator	7
2503	Water Plant Operator	8
2507	Wastewater Plant Operator	8
2510	Wastewater Treatment Superintendent	15
2512	Water Production Superintendent	15
2604	Apprentice Line Worker 1	4
2605	Apprentice Line Worker 2	6
2606	Lineman 1	11
2607	Lineman 2	15
2610	Electrical Line Foreman	18
2609	Electrical Superintendent	22
2704	Public Works Equipment Maintenance Worker	7
2703	Public Works Assistant	10
2705	Public Works Director	22
2801	Parks and Recreation Groundskeeper	3
2805	Parks and Recreation Director	19

Section 3 Special Pay Considerations

- 3.1 When an employee is promoted to a position in a higher classification, the employee pay will increase by at least ten percent (10%) providing this increase does not exceed the Maximum-Pay assignment of the salary range or fall below the higher classification.
- 3.2 When an employee's salary reaches the maximum of his/her range, that employee will no longer continue to receive annual cost of living increases afforded other municipal employees. No advance in the rate of pay of any employee shall be made which would raise the employee's pay beyond the Maximum-Pay in the range for his classification.
- 3.3 Repealed.
- 3.4 Repealed.
- 3.5 During the course of employment, the employee is promoted to a higher classification; the anniversary date (date of hire) will not change.

Rule XII, Section 2.1. Addition - 12/5/83, 4/8/87, 12/21/87, 4/1/88, 7/1/88, 1/1/91, 6/6/91, 12/6/95, 6/3/98, 2/19/99, 6/29/99, 2/5/2001, 9/25/03, 6/3/04, 1/23/07, 6/13/07, 6/11/08, 8/12/08, 12/16/2008 Amended – 4/1/88, 1/1/89, 1/1/91, 1/1/96, 7/29/96, 7/21/97, 12/3/97, 6/24/98, 4/14/99, 9/1/99, 9/19/02, 3/5/03, 4/21/03, 9/25/03, 6/24/04, 8/2/04, 6/29/06, 9/12/2007, 1/22/08, 3/14/08, 8/12/08, 12/9/08, 12/18/09, 06/09/10, 9/14/10, 09/27/10, 6/29/11, 9/7/11, 12/7/11, 3/28/12, 07/18/12, 10/10/12, 12/10/2012, 3/20/13.

Rule XII, Section 3.1. 12/5/83 Addition. 1/1/96, 9/1/99, 6/24/04. Amended.

Rule XII, Section 3.2. 12/5/83 Addition. 3/14/07. Amended. 12/10/2012 Amended.

Rule XII, Section 3.3. 12/5/83 Addition. 1/1/96 Repealed.

Rule XII, Section 3.4. 12/5/83 Addition. 12/10/2013 Repealed.

Rule XII, Section 3.5. 12/5/83 Addition. 09/14/10 Amended. 12/10/2013 Amended.

Rule XIII Retirement. 12/1/81 Addition. 1/1/90 Amended. 6/3/04 Repealed upon enactment of Act 999 of 2001 Regular Session, effective 3/16/04.

The following is an addendum to the Municipal Civil Service Pay Plan:
Effective 01/01/2013

RANGE	BASE PAY	MID-RANGE	MAXIMUM RANGE (30yrs)
1	7.96	11.05	14.14
2	8.61	11.95	15.29
3	9.08	12.62	16.14
4	9.34	12.96	16.58
5	9.51	13.34	17.07
6	9.88	13.72	17.55
7	10.17	14.12	18.06
8	10.78	14.96	19.14
9	11.10	15.40	19.71
10	11.78	16.35	20.92
11	12.15	16.86	21.58
12	12.92	17.93	22.94
13	13.33	18.50	23.07
14	14.19	19.70	25.20
15	15.13	21.00	26.87
16	16.15	22.42	26.87
17	16.69	23.17	29.68
18	17.25	23.94	30.63
19	18.44	25.60	32.25
20	19.07	26.47	33.87
21	20.41	28.33	36.24
22	21.13	29.32	37.50