

CIVIL SERVICE

RULES & REGULATIONS

REVISED DATE: September 11, 2012

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RULE I

DEFINITIONS

“Allocation” means the official determination by the board of the class to which a position in the classified service belongs.

“Appointing Authority” means the Mayor, and for the Council Administrator’s Office it means City Council and for Civil Service Department it means the Civil Service Board.
(Revised 9/11/12)

“Board” means the City of Thibodaux Municipal Employees’ Civil Service Board excluding the fire department.

“Class” or “Class of Position” a homogeneous cluster of work tasks. Taken as a whole, the collection of tasks, duties and responsibilities constitutes the assignment for one or more individuals whose work is the same nature and which is performed at the same skill/responsibility level. (Revised effective: 10/14/09)

“Classification Plan” means the hierarchical structure of jobs, arranged in pay grades according to job evaluation results. (Revised effective: 10/14/09)

“Classified Position” means any position in the service that is subject to the civil service requirements as contained in this Act and applies to every position in the service that is not expressly unclassified by the Act.

“Classified Service” means every appointive office and position of trust or employment of the Trustee of Public Safety an Trustee of Public Property, and Trustee of Finance Department which has, as its primary duty, one of the functions specifically set forth to be included in the classified service by the provisions of the Act.

“Competitive Class” means those positions allocated to a class that have been identified by the Act as open for appointment to all qualified municipal departments personnel, excluding the fire department and the police department.

“Demotion” means a change of an employee in the classified service from a position of one class to a position of another class for which a lower minimum rate of pay is prescribed.

“Department Service” means employment in the public service offered and performed separately by the municipal departments.

“Eligible” means a person whose name is on a list.

“Employee” means a person legally occupying a position.

“Employment List” or “Lists” means a reinstatement employment list, a competitive employment list or a reemployment list.

“Emergency Appointment” means assigning a person to a position because of any emergency of a temporary and special nature.

“Layoff” means 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.

“List” means the official register of names of persons eligible for appointment to the various classes or positions in the classified service.

“Part time Labor” means labor hired for temporary work, not to exceed six months per year, and paid on an hourly basis.

“Pay” means 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 or incurred as an incident of employment.

“Pay Plan” means all the rates of compensation prescribed by the board.

“Position” means employment in the Mayor’s office, or any department created by the Home Rule Charter or a department created by the administration and approved by the City Council which duties call for service to be rendered by one person.

“Probationary Appointment” means the appointment of an employee, following the certification of his name from a list, to begin or to continue his working test.

“Promotion” means a change of an employee in the classified service from a position of one class to a position of another class for which higher minimum rate of pay is prescribed.

“Promotional Employment List” or “Promotion List” means an employment list containing the names of eligible persons established from the results of promotion tests given for a particular class of position, which is not specifically required to be established from the results of a competitive test.

“Promotional Test” means 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 classes when authorized by the rules in the classified service.

“Provisional Appointment” means the temporary appointment of a person to a position in the absence of an eligible list or classification plan.

“Reallocation” means a change of a position from one class to any other class to correct an error in the previous allocation.

“Reassignment” means the change within the same department of any 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.

“Reemployment List” means an employment list for the entrance or lowest ranking class in the classified service, or in any group of classes, as may have been grouped in the classification plan, containing names of regular employees who have been laid off under

the “layoff” provisions. This list shall not be applicable to persons who have been discharged.

“Regular Appointment” or “Permanent Appointment” means the confirmation of appointment of an employee who has been appointed from a list and has successfully completed his working test.

“Regular Employee” or “Permanent Employee” means an employee who has been appointed to a position in the classified service in accordance with the provisions of the amendment after completing his working test.

“Reinstatement Employee List” or “Reinstatement List” means an employment list containing name of persons eligible for reinstatement in positions of a class from which they have been demoted for reasons other than disciplinary action.

“Removal” or “Dismissal” means the termination of employment for cause.

“Resignation” means the voluntary termination of employment, of an employee.

“Suspension” means the enforced leave of absence without pay of an employee for disciplinary purposes or during investigation of alleged misconduct by the employee with regard to his employment.

“Thibodaux City Council” means the duly elected members of the City of Thibodaux governing body. (Revised effective: 11/18/93)

“Transfer” means 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.

“Temporary Appointment” means 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.

“Working Test” means 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.

RULE II

ORGANIZATION, RULES AND PROCEDURES OR BOARD

Section I 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 terms of the members whose term has expired, at which time the oath shall be administered to the new members whose term has expired, at which time the oath shall be administered to the new members, a chairman and 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 according to Article IV of the City Charter. The term of the new member whose term was not completed.

- 1.4 Rules of Order: The Board shall follow the following procedure in the conducting of its meeting:
 - (1) Roll Call
 - (2) Reading of minutes of previous meeting
 - (3) Discussion of items in numerical order as listed on agenda
 - (4) Adjournment

NOTE: In the event that the meeting is for the purpose of conducting a hearing or investigation, the party making the charge will be given ten (10) minutes for this purpose. Following this, the party charged will be given ten (10) minutes for answering charges. If, in the opinion of the board, that additional time is needed by both parties, the Board will give each party an equal amount of time in each case. The Board members will then utilize whatever time is necessary for questions.

In the event when a discussion is not part of a hearing, the Board may allow individuals to speak for 5 minutes for the purpose of discussion. (Effective 9/11/12).

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 thirty (30) days in advance thereof a notice of the date, time, and place, thereof to the Mayor, Finance Director, and the Public Works Director. A copy of all proposed rules to be presented at any such hearing shall be furnished with all such notices thereof. A notice shall be posted upon the bulletin board of each department of the City for a period of at least fifteen (15) days in advance of the said hearing.
- 2.2 Within fifteen (15) days after the Board shall have adopted any such rules, or the abolition of a rule in whole or in part thereof, it shall furnish an official copy thereof to the Mayor, Finance Director, and the Public Works Director.
- 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 bi-monthly on the 2nd Tuesday of each odd month. (Revised effective: 04/01/95)
- 3.2 Upon notification by the chairman of the Board, the Civil Service Director shall notify each member of the Board of the time and place of all meetings. (Revised 9/11/12)
- 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 Civil Service Director shall act as secretary to the Board and shall keep adequate minutes and other records of the official actions and business of the Board. (Revised 9/11/12)

Section 4 **Appeals, Hearings, Formal Complaint and 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 application, 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 written notice of the adverse action(s) taken against the employee by the appointing authority.
- 4.5 The Board shall initiate a hearing of the appeal as soon as possible, but no case shall delay the appeal after 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. When legal counsel is retained to represent the person appealing to the Board, counsel is required to submit in writing a letter of representation to the Civil Service Director five (5) days before the hearing date.
- 4.8 The Board shall make its decision on hearings on the facts presented by the parties concerned.
- 4.9 No hearing 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 thereof. 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 provisions of Article IV of the City Charter.
- 4.10 The Board shall be required to have the testimony taken and transcribed at the hearing.
- 4.11 The decisions of the 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.
- 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 Article IV of the City Charter, 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 facts, 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 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 Article IV of the City Charter, and no appeal to such court shall be taken except under such stated grounds.

- 4.13 Any person who asserts that there has been a violation of Article IV of the Home Rule Charter or a Civil Service Rule or Regulation may file a formal complaint with the Civil Service Director. These formal charges should be clearly identified as such and may not be combined with any other matter filed with the Civil Service Director and must:
1. be in writing;
 2. contain the name, mailing address, and daytime telephone number of the person filing the charges (hereafter, the complainant) and his attorney, if any;
 3. contain the name and mailing address of each person who is charged with committing a violation(hereafter, a respondent);
 4. identify which provision of the Civil Service Article IV and/or a Civil Service Rule or Regulation was violated;
 5. describe, in sufficient detail to enable the respondent to prepare a defense, the conduct that violated Article IV and/or a Civil Service Rule or Regulation;
 6. describe, in detail, the facts which led the complainant to conclude that a violation has occurred;
 7. state what action the complainant wants the Board to take as a result of the violation being proven; and
 8. describe what evidence the complainant has to prove that the violation has taken place.
- 4.14 The formal complaint shall not be public record.
- 4.15 The Civil Service Director may, on his own initiative, file a formal complaint or review any suspected violations of Article IV of the Home Rule Charter or a Civil Service Rule or Regulation and shall inform the Board of any suspected violations.
- 4.16 Upon receipt of a formal complaint, the Board or their designee shall conduct such review Any suspected violation of Article IV or a Civil Service Rule or Regulations and shall inform the Board of any suspected violations.
- 4.17 Civil Service Board action on each filing which purports to a formal complaint may be considered by the Board in executive session. Thereafter, in its sole discretion, the Board may take such action it deems appropriate including any of the following:
1. decline to investigate the matter and order the charges dismissed;
 2. order the Civil Service Director to conduct an examination and to submit a report thereon;
 3. offer the complainant an opportunity to provide additional information and/or
 4. order a public investigation hearing on some or all the complainant.
- 4.18 Following a public investigation by the Board, the Civil Service Director as representative of the Board, may issue a letter of admonishment, take corrective action, order an appointing authority to take corrective action, impose special reporting requirements on an appointing authority and report the facts disclosed in the investigation to the legislative auditor, attorney general, district attorney or other officers, and/or take order any other action deemed appropriate.

- 4.19 After the Civil Service Board orders a public investigation hearing, the charges to be investigated shall be docketed and the case shall become public record. Copies of the charges to be investigated and the Board's order may be mailed to each complainant, each respondent and each respondent's appointing authority, if any.
- 4.20 Any municipal officer or employee who shall fail to comply with the provisions of Article IV of the City Charter, or any rule, regulation or order there under shall be subject to all penalties and remedies provided in said article and such other 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 Article IV of the City Charter and the rules, regulations and order there under.
- 4.21 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 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 Article IV of the City Charter, 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 name and address of all persons to be subpoenaed.

Section 6 Unfavorable Board Ruling

- 6.1 After an item has received an unfavorable ruling from the Board, it shall not be placed on the agenda again for a period of twelve (12) months except with a 4/5 vote of the Board.

RULE III

CLASSIFICATION PLAN

A classification plan shall be developed and upon adoption by the Board, administered by the Director, which provides for various jobs in the city to be put into grades according to common factors such as degree of formal education, supervision, human collaboration skills, freedom to act, technical skills, fiscal responsibility and experience needed.

(Revised: 11/08/11)

Section 1 Creating Classes and Allocating Positions:

Classifications shall be based on the principle that positions shall be in the same class when their duties and responsibilities are similar enough to justify the same descriptive title, definition of duties, and employment standards. (Revised effective: 10/14/09)

- 1.1 Whenever, in the opinion of the Director, after consultation with the appointing authority, there is necessity for establishing a new class, or revising or revising or abolishing an existing class in the classification plan, the Director 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. (Revised effective: 10/14/09)
- 1.2 Allocations of positions shall be based on those duties being actually certified as true by the appointing authority. Falsification of misrepresentation of duty statements are a violation of Civil Service Rules and any such falsification or misrepresentation cannot support allocation into any job. (Revised eff: 10/14/09)
- 1.3 Hearings on appeals from allocations: Any employee who feels himself/herself aggrieved because of any allocation or change in classification resulting in the employee's pay being adversely affected by the change shall, upon his/her request, be heard thereon by the board and the board shall hear and decide the complaint in any manner it deems proper. (Revised effective: 10/14/09)
- 1.4 The Civil Service Director may select officers and/ or classified employees in civil service to act as examiners in the preparation of classifying a job position. The appointing authority may excuse any employee in his department from his regular duties for the time period required for his work as an examiner. Officers and classified employees shall not be entitled to extra pay for their service as examiner. (Effective 9/11/12).

Section 2 Force and Effect of Classes:

- 2.1 The classification plan consists of the specifications of all jobs and shall have the following force and effect: (Revised effective: 10/14/09)
 - (a) The definitions are descriptive and not restrictive. They are intended to indicate the kinds of positions that should be allocated to the various jobs as determined by their duties and responsibilities. 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. (Revised effective: 9/11/12)

- (b) The allocation of a position to a job and the assignment of a job to a pay grade is based on the analysis of duties and responsibilities reported on by the appointing authority for consideration by the Civil Service Director.. (Revised effective: 10/14/09) (Revised 9/11/12).
- (c) (Provision of Rule III: Paragraph (c), are hereby rescinded and repealed effective October 14, 2010.)
- (d) (Provision of Rule III, Paragraph (d), are hereby rescinded and repealed effective October 14, 2010.)

Section 3 **Status of Incumbent when Duties Increase:**

- 3.1 When a position is reallocated, the incumbent, if a regular employee, shall be entitled to remain in the position provided he/she meets the minimum qualification requirements of the job to which the position has been allocated. (Revised effective: 10/14/09)

Section 4 **Classification Evaluation**

- 4.1 The Civil Service Director, after consulting with the appointing authority, shall systematically update each job in the classification plan to establish its relative value in the classified service. (Revised effective: 10/14/09) (Revised 9/11/12)

RULE IV

UNIFORM PLAN OF SALARY RANGES

The pay rates for the City's classified workforce will be established in accordance with a system that generally considers such factors as availability of applicants, the quality of the applicant pool, turnover rates, federal law, market competition, pay practices of market competitors, the evaluation system ranking, employee performance and level of funding available. The City will not be a market leader, but, for the most part, will follow the market as the value of jobs change.

Employees should bring their pay-related questions or concerns to the attention of their immediate supervisor. The Civil Service Director and the Human Resource Director are also available to answer specific questions about the uniform plan of salary ranges.

(Revised effective: 11/10/09)

Section 1.00 **AUTHORITY** Legislative Act No. 97 (1972); as amended by Legislative Act No. 431 (1975).

(Revised effective: 11/10/09)

Section 2.00 **POLICY AND RESPONSIBILITIES**

It is the policy of the City of Thibodaux to provide the employees of the City with a compensation plan that assures internal equity and is externally competitive in order to recruit and retain a highly qualified work force.

(Revised effective: 11/10/09)

The policy and procedure expressed herein are controlling in matters of employee pay administration. It shall be the responsibility of the Municipal Government Employees' Civil Service Board, through its Director, to cause, within the city organization, full compliance with all the provisions of this plan.

No pay rate shall become effective until the Civil Service Director, as direct representative of the Board, certifies by his/her signed approval, that such changes in pay comply with all requirements of the rules governing the administration of the Uniform Plan of Salary Ranges. (Revised eff: 11/10/09)
(Revised 9/11/12).

No employees shall be appointed, employed, or paid under any title other than that the class to which his position has been allocated.

Section 3.00 **PREPARATION AND ADOPTION OF UNIFORM PLAN OF SALARY RANGES**

(Revised effective: 11/10/09)

3.1 The Director, after consultation with the appointing authority and after conducting such research as he/she may deem appropriate, shall cause to be prepared for submission to the Board, a Uniform Plan of Salary Ranges, or amendments thereto, for the classified service. (Revised effective: 11/10/09)

- 3.2 In accordance with Article IV, Section 10 (B) of the City of Thibodaux Home Rule Charter, before implementation, the plan shall be submitted to the Board which, after a public hearing, shall submit it together with all amendments it deems necessary, to the Council for its approval. The Council shall approve or reject the plan prior to the commencement of the next fiscal year. If the Council fails to approve the submitted plan, then the previously existing plan shall continue in effect for the next fiscal year. (Revised 9/11/2012)

Section 4.00 JURISDICTION (Revised effective: 11/10/09)

All positions of employment in the service of the City of Thibodaux shall be subject to the provisions of this Plan, unless specifically excluded under Article IV, Section 2 of the City of Thibodaux Home Rule Charter. (Rev. eff: 11/10/09)

Section 5.00 UNIFORM SCHEDULE OF SALARY RANGES (Revised eff: 11/10/09)

The attached Schedule of Salary Ranges will be updated annually in January as approved by the governing authority in compliance with the City of Thibodaux Home Rule Charter, Article IV, Section 10 (B). (Revised effective: 11/10/09)

- 5.1 The pay range for each job shall consist of a range minimum, midpoint, and maximum annual salary computation.
- 5.2 Subject to the provisions of this rule, each employee shall be paid at a rate within the range for the grade to which his/her position is allocated.

Section 6.00 DEFINITIONS

The following are definitions of certain terms and are for purposes of clarification as they affect this Uniform Plan of Salary Ranges. (Revised effective: 11/10/09)

Base Salary – An hourly dollar amount of pay specifically designated in the Uniform Plan of Salary Ranges. Base salary does not include overtime pay or deductions for time not worked. (Revised effective: 11/10/09)

Compa-Ratio - The number resulting from an employee's hourly rate of pay divided by the midpoint hourly rate of a given pay range. (Revised effective: 11/10/09)

Creditable Service - All service in full-time pay status beginning with the latest date of employment. (Revised effective: 10/31/78)

Demotion - The assignment for cause of an employee to a vacant position in a class in a lower salary grade than the former class.

Entrance Salary - The initial base salary assigned to an employee on entering employment with the City.

The increase should become effective in the first pay period in which the employee assumes the new job.
(Revised: 02/14/12)

7.3 Reallocation to Higher Class Due to Reevaluation

Upon reallocation of a position to a higher class, if a higher salary grade is assigned to that position, the employee occupying the position shall:

- (a) Be granted a 4% increase above his/her current rate of pay; or
- (b) Be brought up to the minimum pay assigned to the new position if the 4% increase does not reach such level.

Reallocation increases shall become effective on the first day of the payroll period following the date of the reallocation.
(Revised effective: 11/10/09)

7.4 Market Grade Adjustment

Market Grade Adjustment(s) helps to offer the competitive salaries within our labor market. Recruiting and retaining talented employees is critical to the City's success. The Market Grade Adjustment allows the City to pay its employees equitable wages that reflect the requirements and responsibilities of their position based on a market wage study.

In considering the City's fiscal resources, the market grade adjustments shall be proposed to the governing authority by the appointing authority through the budget process.

(Effective: 02/08/11)

7.5 Supervisor Pay Correction Rule:

This rule allows the appointing authority with the approval of the Civil Service Director to adjust a supervisor's pay rate.

The increase shall not exceed 3% of the highest paid subordinate.

(Effective: 02/08/11)

Section 8.00 DECREASE IN PAY

Employee shall have their salaries reduced only as specified below and shall become effective on the first day of the payroll period following the event requiring the decrease in pay.
(Revised effective: 11/10/09)

8.1 Demotion for Cause to a Lower Class and Voluntary Reduction to a Lower Class

Demotions and Voluntary Reductions to a Lower Class pay decreases shall be based on the employee's compa-ratio, which is the salary divided by the midpoint.

Using the compa-ratio, the new rate of pay is achieved by dividing the employee's base salary within their current range by the midpoint salary for that same range, then multiplying that quotient by the midpoint of the range to which the employee is being demoted. The product becomes the demoted employee's new base rate.

As an example:

- Employee making \$19.87 in a Grade 60 position is being demoted to a Grade 59 position.
- The midpoint of Grade 60 is \$19.01; the midpoint of Grade 59 is \$17.52
- $19.87 \div 19.01 = 1.05$ (this is the compa-ratio)
- $1.05 \times 17.52 = 18.40$
- \$18.40 becomes the demoted employee's new hourly rate of pay.

(Revised effective: 11/10/09)

8.2 Position Reallocated to a Lower Class and Assignment of a Lower Salary Grade to a Class

Reallocation of a position to a class with a lower range or the assignment of a lower salary grade to a class shall cause the employee's rate of pay to remain unchanged, provided that it is not above the midpoint of the new range. If, however, the rate of pay is above the midpoint of the new range, it will be reduced to the new range midpoint.
(Revised effective: 11/10/09)

Section 9.00 OTHER PAY PROVISIONS –

- 9.1 **Transfer** - Upon the assignment of an employee to a vacant position in a class with the same salary will not be changed. Upon separation from a position of a given class and subsequent appointment to a position in the same salary grade, no increase in salary will be given.

See Section 9.3 Entrance Salary, Promotional Salary and Transfer Salary

- 9.2 **Entrance Salary** – Upon entry to City employment, an employee’s base pay will be at minimum of the salary range established for the grade of the job to which the position is allocated.

9.3 Entrance Salary, Promotional Salary and Transfer Salary

Relevant Work Experience and Special Skills

When an employee’s relevant experience exceeds the minimum requirement or a special skill requirement is identified, a hiring rate above the entry of the pay grade may be considered. Upon request from the appointing authority or his designee, a starting salary between the entry of the pay grade may be recommended by the Human Resource Director and considered by the Civil Service Director. If the application’s experience exceeds the relevant experience beyond the minimum qualifications or if a special skill requirement has been identified, an analysis of impact of the hiring rate compared with current employees in similar positions should be completed and provided to the Civil Service Department by Human Resources for confirmation by the Civil Service Director. The pay rate shall not exceed the midpoint of the salary range for the affected job.

Extraordinary Qualifications/ Special Pay Provision

The appointing authority may recommend a starting salary above the midpoint of the pay grade in circumstances when the applicant has special skills and/or extraordinary qualifications based on the applicant’s related background or experience is significantly beyond the minimum qualifications. An analysis of impact of the hiring rate compared with current employees in similar positions and the supervisors pay rates shall be completed and provided to the Civil Service Department by Human Resources for confirmation by the Civil Service Director must be provided.

The appointing authority may recommend a starting salary above the midpoint of the pay grade when a special pay provision is requested in a case where there has been difficulty in recruiting for a certain position in the City Service.

In both of the above cases, an analysis of impact of the hiring rate or current rate compared with current employees in similar positions and the supervisors pay rates shall be completed and provided to the Civil Service Department by Human Resources for confirmation by the Civil Service Director. As designee of the Civil Service Board, the Civil Service Director shall possess the authority to approve or deny pay rate determinations when going above the minimum or midpoint pay rates for all Civil Service positions. The Civil Service Director will do so by only his/her signature and affirmation or denial. Appropriate documentation should be maintained in the employee’s file as confirmation of the extraordinary qualifications and special pay provisions, and the Civil Service Director shall inform the Board of hires above the midpoint at the next scheduled Civil Service Board meeting.

9.4 **Salary Treatment Upon Return from Leave of Absence**

Employee returning from a leave of absence will earn the same wage of pay they were earning at the time of leave. If his/her position has undergone any pay adjustment, his/her pay must be adjusted accordingly. For performance increases, the City may give the employee those increases for which he/she has attained eligibility. Credible service date will be maintained.

(Revised effective: 11/10/09)

9.5 **On-Call Pay**

Effective: 11/08/2011

I. Policy

The City of Thibodaux must provide a variety of critical services 24 hours a day 7 days a week. Need for these services may occur when employees who have necessary skills are not on duty. As a result, the City of Thibodaux must be assured that skilled employees are always readily available by placing some employees on an on-call status. The employee is not performing work during this time, but normal off-duty activities and freedom of movement are limited by these on-call requirements. Therefore, the City of Thibodaux will provide compensation in appreciation for the restrictions of being on-call. Compensation will be paid to employees at the rate of \$1.00 per hour of on-call time. A rate of \$3 per hour will be paid for employees' on-call on a City holiday (or designated department observance of the holiday) or a special holiday proclaimed by the Mayor and not recognized as a regular holiday by Civil Service. (Revised: 02/14/12)

II. Scope

The rule applies to the Police, Public Works, and Parks Department.(Revised: 01/10/12)

The department director of each designated department will decide specifically which employee(s) in each job title and division will be assigned to take call and receive the additional compensation. (Revised: 02/14/12)

The Chief of Police and the Public Works Director and Public Works will provide an on call schedule and designate special circumstances for on-call pay. (Revised: 03/14/12)

The rule applies to the Police, Public Works, and Parks Departments.(Revised: 02/14/12)

In considering the City's fiscal resources, on-call pay shall be proposed to the governing authority by the appointing authority through the budget process.

III. Definitions

On-Call Status – a period of time outside of on-duty hours (often a week or weekend) when an employee is expected to be readily available for contact by phone, radio, pager or beeper. On-call status means being fit and able to report to work within an acceptably short period of time, as designated by the department.

Employees are not considered to be on-call in situations where an entire work group is placed on notice that pending weather conditions or special events or other comparable situations may necessitate employees being called back.

Call-Back - time worked when departments require that employees report back to a worksite because of special needs or emergencies.

IV. Situations Eligible for Compensation for Being On-Call:

Compensation will be paid in situations where employees are on-call and therefore have restricted off-duty time. Employees who are designated as “back-up” but are subject to the same restrictions as the primary on-call person are not eligible for compensation as the primary person.

Departments will establish specific policies governing on-call situations in their departments. However, in order to qualify for on-call compensation, the following components will apply:

- (1) The department head will define the divisions and job titles eligible for on-call pay, based on operational needs. (Revised: 02/14/12)
- (2) The work unit has an established rotation where different employees share responsibility for being ready to return to work for a specified period of time when called. On-call status in a work group must be regularly shared by more than one employee on a rotating basis.
- (3) The assignment should be on a recurring cycle, not a one-time assignment.
- (4) The employee is on duty for a specific period designed ahead of time, usually a week (7 days). Hours when the on-call time begins and ends should be clearly established and communicated to the employee.
- (5) The employee must be in touch by beeper, radio, or telephone numbers left at all times of assignment, wherever he or she goes.
- (6) The employee must acknowledge the beep or call within a fairly short period of time as designated by the department.
- (7) The employee must be available to report to the work site and answer the needed work assignment within a fairly restrictive period of time as designated by the department. Therefore, the employee cannot go further out of town than the plane or return time would allow.
- (8) If called back, the employee is obligated to report to work capable of performing normal duties and other duties as may be reasonable under the criteria. Therefore, the employee should not drink alcoholic beverages during the period of time on-call because he or she must be ready to report to work.
- (9) The employee would be sanctioned / disciplined if he / she does not respond or is not ready to work when called.

(Revised: 02/14/12)

V. Administration of the Policy:

Recordkeeping: Departments will report the total hours for on-call compensation on the timesheet to the Finance Department for inclusion of compensation in paychecks, but should maintain records which document the hours each employee was on-call versus on actual work status.

Emergencies: Employees would be informed of procedures for informing their supervisor or other person if, for some reason (example: sudden illness of self or a child) the employee knows he/she would not be available to answer a call.

Substitutions: Departments may establish procedures where employees may request in advance to have a substitute cover for him/her for a designated portion of the time for reasons acceptable to and approved by the supervisor. The hours which were covered by the substitute would be deducted from the total call-back hours of the primary employee, and would be paid to the substitute.

Failure to respond: If an employee does not respond to a telephone call, “beep”, or “page” within the designated time, or is not able or available to respond to a call-back within the designated time, compensation for on-call status will normally be forfeited for the entire rotation.

Additionally, disciplinary action may be imposed in either of the above situations.

IV. Treatment of Time on Timesheets and Records:

1. **Not considered work time:** Time spent on-call is not considered work time, and does not count toward hours of work for the purpose of calculating overtime. Although the on-call pay is combined with the employee’s check or automatic deposit, the on-call compensation is separated from and is paid over and above the work hours in a work period.
2. **Reporting to work:** Time spent answering the page or telephone call is part of the on-call responsibility and does not count toward work time. However, time spent on-site counts toward work time, **and employees are guaranteed at least two hours of pay for the work performed when called back.**
3. **Time is either work time or on-call time, not both:** Employees may not receive both on-call pay and regular or overtime pay for the same hours.
4. **Subject to deductions:** On-call pay is subject to state and federal taxes, and retirement deductions.

Section 10.00 IMPLEMENTATION OF THE SALARY GRADES.

Deleted with the adoption of the December 29, 1977, Uniform Plan of Salary Range amendments. All subsequent Uniform Plans of Salary Ranges have been amended. The current Uniform Plan of Salary Ranges became effective January 1, 2007. (Revised effective: 11/10/09)

Section 11.00 INTERPRETATION AND APPLICATION OF UNIFORM PLAN OF SALARY RANGES

The Civil Service Board shall determine the proper interpretation of the provisions for the Uniform Plan of Salary Ranges. The proper interpretation and/or application of any such provisions shall be binding upon all employees affected thereby, subject to appeal by any employee to the Civil Service Board.

(Revised effective: 11/10/09)

Section 12.00 AMENDMENT OF THE PAY PLAN.

This and any succeeding Uniform Plan of Salary Ranges may from time to time be changed or amended as circumstances warrant with the concurrence of the Civil Service Board and the approval of the governing authority of the City of Thibodaux. (Revised effective: 11/10/09)

Section 13.00 SEVERABILITY.

If any provision or provisions of these rules governing the administration of the Uniform Plan of Salary Ranges or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the legality of the remainder of these rules. (Revised effective: 11/10/09)

Section 14.00 EFFECTIVE DATE.

The effective date of this Uniform Plan of Salary Ranges Narrative and Schedule of Salary Grades shall be December 29, 1977. (Revised effective: 11/10/09)

All provisions of Rule IV: Uniform Plan of Salary Ranges, Sections 1 through 6, heretofore or in effect on December 29, 1977, are hereby rescinded and repealed effective December 28, 1977.

(Revised effective: 11/10/09)

RULE V

EXAMINATIONS

Section 1 Appointment of Examiners and Preparation of Examinations:

- 1.1 The Civil Service 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 Civil Service 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 service or 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.
- 1.3 **Civil Service Director's Responsibilities**
The Director shall establish, operate, and administer policies, methods, testing materials and procedures for holding competitive tests to determine the merit and fitness of candidates for original appointment and promotion in the City Service.

Section 2 Admission to Examinations:

- 2.1 The minimum age for entrance to any and all examinations shall be eighteen (18) years of age or older.
- 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 of the City of Thibodaux when all things are relatively equal in respect to ability, experience, training, and education, as compared to a non-resident of the City of Thibodaux.
- 2.3 The Director shall give written notice at least fifteen (15) days in advance of any test for appointment by posting the same on the Civil Service Bulletin Board and by mailing said notices to the Mayor, and City Departments for posting on their respective bulletin boards. All such notices shall be posted on the date received and remain posted to and including the final closing date for receipt of applications as specified on the examination announcement. The Director may also advertise position openings in newspapers, professional and trade publications; post notices thereof in schools and colleges, and employ any other methods of publicizing that he considers appropriate.
- 2.4 The Director shall reject any application filed after the time fixed for closing receipt of applications, or after a specific number of applications, announced in the public notice of the tests, have 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 this character or reputation in 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 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 false statements 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 for closing receipt of applications should fall on legal holiday recognized by the government of the City of Thibodaux 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 written 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.

Residency preference: Three (3) points shall be added to the final grade on examinations for all examinees who live within the City limits provided that the points may be added only after a passing grade or score is attained. Examinees claiming preference under the provision of this rule must present current voter registration card to the Director for inspection. (Revised effective: 1/17/90)

P. O. S. T. Certified preference: Three (3) points shall be added to the final grade on examinations for all examinees on the entrance level examination for the position of Police Officer (Recruit) who hold a State of Louisiana Peace Officer Standards & Training Council Certificate 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 this certificate to the Director for inspection. (Revised eff: 04/01/95)

An applicant for promotion within the classified service shall be granted one point for each year of continuous service with the City of Thibodaux, with a maximum of ten points earned. Longevity points will be awarded only after the applicant has achieved a passing grade of 60% on the examination. The longevity points will be added to the final score and will not be used to achieve a passing grade. (Revised effective: 10/01/97)

2.9 Substitution clause for educational requirements. If an applicant meets all of the minimum requirements for the job, but does not meet the formal education requirement, then work experience may be substituted for the educational requirement.

A 2:1 policy will be used meaning two (2) years of relevant experience may be substitute for one (1) year of required formal education. For example, if the minimum requirements for a position are a Bachelor's degree and two (2) years direct related experience, then a substitution clause would be a high school diploma and ten (10) years of work experience resulting in eight (8) additional years. (Revised: 03/14/12)

3.0 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. Revised: 03/14/12)

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 on (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.

Section 4 **Results of Examinations:**

- 4.1 Methods of breaking ties in rating: 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 rating on the 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 Examinees passing the examination shall be placed on the eligible list in the order of their grades from the highest to the lowest. Under no conditions shall examinees failing to make a passing grade be placed on an eligible list. (Revised effective 1/17/90)
- 4.3 Open lists: The order of names on a open list, and the period for which an eligible's name shall remain on an open list, shall be covered 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 4.2 of this rule.
- 4.4 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.
- 4.5 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 nor 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.

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 operations of any of the following causes:
- (a) Refusal of three (3) offers of appointment.
 - (b) Appointment through certificates 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, or any inquiry of the Director or appointing authority if satisfactory evidence is not furnished.
 - (e) Failure to report for work after accepting appointment.
 - (f) Expiration of the term of eligibility on an eligible list.
 - (g) Notice by authorities of their inability to locate eligible at this 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 had 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 the 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 **Methods 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 & Training	Performance Test	Passing Grade
(a) 100%	-0-	-0-	60%
(b) -0-	100%	-0-	60%
(c) -0-	-0-	100%	60%
(d) 50%	30%	20%	60%
(e) 60%	40%	-0-	60%
(f) 50%	-0-	50%	60%
(g) -0-	50%	50%	60%

10.2 An applicant for entry level into the Thibodaux Police Department service shall undergo the following examinations:

- A. Written test – Value 60%, passing grade 60%
- B. Oral test by board of supervisors appointed by the Chief of Police on a rotational basis, as needed, and comprise of the following:
 Chief of Police or his designated delegate from the Thibodaux Police Department
 One Captain from the Thibodaux Police Department
 One Lieutenant from the Thibodaux Police Department
 One Sergeant from the Thibodaux Police Department
 Rotational basis means the board may not be comprised of the same officers from one meeting to the next.
 Troop Commander from Troop “C”, Louisiana State Police or his designated delegate.
 One Faculty member from Fletcher Technical Community College.
 (Revised effective: 07/13/10)

Value 40% -- passing grade 60%

10.3 An applicant for promotion within the Thibodaux Police Department shall undergo the following examinations:

- A. Written Test – Value 60%, passing grade 60%
- B. Oral test by board of supervisors comprised of four law enforcement officers, none of which are current members of the Thibodaux Police Department.
 (Revised effective: 5/11/04)

Value 40%, passing grade 60%

- C. The recommendations are forwarded to the Civil Service Director, who will combine the scores from the written examination and the oral examination to achieve a final grade, which will be forward to the Chief of Police for the final selection.

10.4 Longevity Points

An applicant for promotion within the Thibodaux Police Department shall be granted one point for each year of continuous service with the Thibodaux Police Department, with a maximum of ten points earned.

Longevity points will be awarded only after the applicant has achieved a passing grade of 60% on the examination. The longevity points will be added to the final score and will not be used to achieve a passing grade. (Revised effective: 10/01/90)

10.5 The procedures described above for 10.2, 10.3, 10.4 shall be completed within 30 days after the written examination has been given.

10.6 The establishment of an entrance board will be done on a rotational basis, as needed, from employees within the Thibodaux Police Department. Employees can be excused from serving on the board with a written approved notice by the Chief of Police or his designated assistant no later than 14 days prior to the convening of the Board; e.g., approved notice: scheduled vacation time. (Revised effective: 05/11/04)

Section 11

11.1 POSITION: Police Officer (Recruit)

MINIMUM QUALIFICATION REQUIREMENTS:

1. Applicant must be at least 21 years of age.
2. Applicant must possess a valid High School Diploma, G. E. D. Equivalency certificate, or equivalent credentials as determined by the appropriate educational authority.
3. Applicant must possess or be able to obtain a valid Louisiana Driver's License without record of suspension or revocation in any state.
4. Applicant must not have any conviction for felonies.
5. Misdemeanor convictions are subject to review by the Departmental Review Board to determine acceptability of the applicant for police service.
6. Current or recent use or possession of illegal drugs within the last six (6) months is disqualifying.

(eff: 11/8/11)

EACH APPLICANT MUST:

1. Pass the required Civil Service Examination (written) and examination by the Departmental Review Board (oral).

EACH APPLICANT IN A SELECTABLE POSITION MUST:

1. Undergo a background investigation.
2. Pass a qualifying medical examination including a psychological evaluation.
3. Pass either a polygraph or P. S. E. examination to verify employment application.
4. Possess good moral character. Any applicant may be disqualified if his/her character, reputation, or past employment record is found to be unsatisfactory as determined by the Department of Civil Service. Forgery, misrepresentation of facts, or cheating on examinations are punishable by disqualification.

Each applicant who has served in the military and has been separated with an honorable discharge or released from active duty under honorable conditions will receive five (5) additional points, which will be added only after a passing score has been achieved.

11.2 POSITION: Police Sergeant

MINIMUM QUALIFICATION REQUIREMENTS:

1. Applicant must have attained permanent status with the Thibodaux Police Department and have served for a period of two (2) years with the Department at the time of the examination for the rank of Sergeant.
2. Applicant must have three (3) years Law Enforcement experience (60 college semester hours in the Law Enforcement curriculum may be substituted for one year of required experience).
3. An applicant having previous experience with the Thibodaux Police Department will have that time honored towards the rank of Sergeant. Applicant must be off probationary status and have completed one year of continuous service with the Thibodaux Police Department at the time of the examination.

EACH APPLICANT MUST:

1. Pass the required Civil Service Examination (written) and Examination by the board of supervisors (oral).

Each applicant who has served in the military and has been separated with an honorable discharge or release from active duty under honorable conditions will receive five (5) additional points, which will be added to the written test score. These points will be added only after a passing score has been achieved.

Each applicant will be granted one longevity point for each year of continuous service with the Thibodaux Police Department with a maximum accumulation of ten (10) points. Longevity points will be awarded only after the applicant has achieved a passing grade of 60% on the examination. The longevity points will be added to the final score and will not be used to achieve a passing grade. (Revised effective: 10/01/90)

11.3 POSITION: Police Lieutenant

MINIMUM QUALIFICATION REQUIREMENTS:

1. Applicant must have attained the rank of Sergeant or Desk Sergeant with the Thibodaux Police Department and must have held this position continuously for a period of two (2) years at the time of the examination for the rank of Lieutenant.
2. Applicant must have five years of Law Enforcement experience (60 college semester hours in Law Enforcement curriculum may be substituted for one (1) year of required experience).

EACH APPLICANT MUST:

1. Pass the required Civil Service Examination (written) and examination by the board of supervisors (oral).

Each applicant who has served in the military and has been separated with an honorable discharge or released from active duty under honorable conditions will receive five (5) additional points which will be added to the written test score. These points will be added only after a passing score has been achieved.

Each applicant will be granted one (1) longevity point for each year of continuous service with the Thibodaux Police Department with a maximum accumulation of ten (10) points. Longevity points will be awarded only after the applicant has achieved a passing grade of 60% on the examination. The longevity points will be added to the final score and will not be used to achieve a passing grade. (Revised effective: 10/01/90)

11.4 POSITION: Police Captain

MINIMUM QUALIFICATION REQUIREMENTS:

1. Applicant must have attained the rank of Lieutenant with the Thibodaux Police Department and held this position continuously for a period of two years at the time of the examination for Captain.
2. Applicant must have seven (7) years of Law Enforcement experience (60 college semester hours in Law Enforcement curriculum may be substituted for one (1) year of required experience).

EACH APPLICANT MUST:

1. Pass the required Civil Service Examination (written) and examination by the board of supervisors (oral).

Each applicant who has served in the military and has been separated with an honorable discharge or released from active duty under honorable conditions will receive five (5) additional points, which will be added to the written test score. These points will be added only after a passing score has been achieved.

Each applicant will be granted one (1) longevity point for each year of continuous service with the Thibodaux Police Department with a maximum accumulation of ten (10) points. Longevity points will be awarded only after the applicant has achieved a passing grade of 60% on the examination. The longevity points will be added to the final score and will not be used to achieve a passing grade. (Revised effective: 10/01/90)

RULE VI

VACANCIES, CERTIFICATIONS AND APPOINTMENT

Section 1 FILLING OF Vacancies:

Vacancies in positions in the classified service shall be filled by demotion, transfer, reinstatement, re-employment, promotion, competitive appointment, or temporary appointment.

1.1a If an existing position becomes vacant, the appointing authority shall open that position to examination within a three-month period.

(Revised effective: 07/01/85)

Preference shall be given to the methods named in the order in which they are named above, under the conditions and subject to the restrictions and limitations set forth in the rules.

A vacancy shall be considered filled under any of the methods specified, as of the date on which they are named above, under the conditions and subject to the restrictions and limitations set forth in the rules.

Transfer: An employee may be transferred from any position in the classified service to any position in the classified service to any other position of the same class at the pleasure of the appointing authority, but no employee shall be transferred from a position in one (1) Municipal Department to a position in another Municipal Department without the consent of the appointing authorities of both Municipal Departments concerned. 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.

Reassignment: An employee may be changed within the same Municipal Department from a position in one (1) class to another position in a difference 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 the Civil Service Director in order to verify the employee's qualifications.

Section 2 Request for Certification:

2.1 **Anticipation of need:** Insofar as practical, 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.

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 or specific ability is desirable or specific age ranges he deems 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 Article IV of the City Charter, or any rule adopted hereunder.

Section 3 Certification of Eligibles:

Upon a request from an appointing authority to fill a position other than by demotion, transfer or reinstatement, the Director shall certify to the appointing authority the names of three (3) eligibles for such position of the class of the vacant position, and if more than one (1) vacancy is to be filled, the names 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.

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,
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 three (3) eligibles. Names shall be certified from each list in the order of their ranks on that list.

Within ten (10) 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.

If the appropriate lists do not contain the names of a sufficient number of eligibles willing to accept appointment to make possible the certification of three (3) eligible persons, the names of all persons on such lists who are willing to accept appointment shall be certified.

When fewer than three (3) names are certified to fill a vacancy, the appointing authority may make his appointment from the names certified. If he does not wish to make an appointment from the names certified, he may make a temporary appointment of any person he chooses.

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.

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 had 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 V, Section 7.1. Until his re-employment is effected 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 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 leave 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 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 Civil Service 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 a 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 of any available person to serve until the position involved can otherwise be filled under the provisions of these

rules. No emergency appointment shall continue for more than thirty (30) days in any case, or be renewed for any further period beyond that limit. The authority for any emergency appointment is conditioned on a prompt report thereof to the Director, at the time the appointment is made.

Section 6 **Status of Provisional Appointees:**

- 6.1 Provisional employees as provided in these rules and under the provisions of Article IV of the City Charter, 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 thirty (30) 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 thirty (30) day period set forth.

RULE VII

WORKING TESTS

Section 1 **Employee to Serve:**

- 1.1 Every person appointed to a position in the classified service following the certification of their name from a competitive employment list, except those appointed on a temporary basis or following promotion, shall be tested by a working test while occupying the position before they may be confirmed as a regular and permanent employee in the position.
- 1.2 The period of the working test shall commence immediately upon appointment and shall continue for a period of not less than six (6) months nor more than one (1) year, except for a police officer (recruit), who's working test period shall be one (1) year.
- 1.3 At any time during the 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 or fails to perform satisfactorily the duties of the position to which he/she has been appointed, or (b) his/her habits and dependability do not merit his/her continuance in the service.
- 1.4 Upon the removal, the appointing authority shall forthwith report to the Civil Service Director and to the employee removed, their action and the reason therefore.
- 1.5 Upon any employee completing his/her working test, the appointing authority shall so advise the Civil Service Director and furnish a signed statement to the respective employee of the confirmation and acceptance of the employee as a regular and permanent employee in the respective position, or of the refusal to confirm the employee. If, at the expiration of any employee's working test period, the appointing authority fails to confirm or reject the employee, such failure to act shall constitute a conformation.
- 1.6 The appointing authority may remove and shall remove upon the order of the Board, any employee during their working test period who the Board finds, after giving him/her notice and an opportunity to be heard, was appointed as a result of misrepresentation, fraud or error.

Section 2 **Interruption of Working Tests:**

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

If an employee is transferred during his working test period to a position under another appointing authority, the second appointing authority may in his/her discretion, permit the granting of credit for the portion of the working test period previously completed.

If an employee is placed on military leave without pay while serving their working test period, they shall be given credit for the portion of the working test period completed before they were placed on military leave.

(Revised effective: 05/13/08)

1.2 (a) Donation of earned annual leave.

Subject to the prior approval of the Civil Service Director , an appointing authority may allow an employee to donate annual leave with pay to a classified employee, subject to the following conditions:

1. The recipient must be a regular employee.
2. The donor relinquishes all future claims to the donated leave, regardless of the medical condition of either the donor or the recipient.
3. The donation must be strictly voluntary, without coercion, implied or otherwise, and must be certified as such in writing by the donor in advance of the actual transfer of annual leave from the donor to the recipient.
4. In any case in which an employee is donating annual leave with pay to an employee in another organizational unit, the approval of both appointing authorities will be required.
5. Following approval, the appointing authority/authorities must submit all the necessary leave adjustment forms to the Department of Civil Service with appropriate documentation.

1.2 (b) Charging exempt employees annual leave

Classified exempt (salaried; not eligible to receive overtime or comp time) employees shall be charged for annual leave time as follows:

Use of less than 4 hours in a whole workday . . . 0

Use of 4 or more hours in a whole work day . . . 7.5 or 8 hours,
depending upon the number of hours of the employee's work
day. (Revised effective: 04/01/98)

1.3 VACATION SCHEDULE AND LOSS OF EARNED VACATION.

In establishing vacation schedules, the department head shall consider both the employee's preference and the operating needs of the department. In any event, upon request, vacation time must be scheduled so that it shall be taken during the calendar year in which earned with the following exceptions:

- (a) Employees with less than one year of employment may carry all unused annual leave forward to the next calendar year.
- (b) On December 31 of each year, the accumulated annual leave of each employee shall be carried forward to the succeeding year, provided that accumulated annual leave carried forward shall not exceed 45 days.
- (c) Accumulated annual leave may be taken at the time or times requested by the employee and approved by the appointing authority. If the workload of the employee's organizational unit makes the granting of annual leave undesirable for the time requested, the appointing authority shall notify the employee.
- (d) When an employee entitled to annual leave makes a written request for leave, the appointing authority shall, within five days after the date of the employee's request, either approve or disapprove the request in writing.

1.4 SALARY IN LIEU OF VACATION. Upon termination of employment, employees with at least six (6) months of continuous service shall be paid for unused accumulated vacation time.

1.5 VACATION BENEFITS ON DEATH OF EMPLOYEE OR RETIREMENT.

Upon the death of an employee, the person or persons identified as beneficiary on Form 4, "Municipal Employees' Retirement System Personal History and Prior Service Claim" form, shall be entitled to payment for the employee's unused vacation time.

1.6 PRORATED VACATION FOR PART-TIME EMPLOYEES.

Part-time employees shall earn vacation time in accordance with the schedule set forth in Item #1 on a prorated basis determined by a fraction the numerator of which shall be the hours worked by the employee and the denominator of which shall be normal working hours in the year required by the position. (“Part-time” would be defined as, “those employees in year-round work status whose work schedule is on at least a 20-hour per week, 48-week per year basis”)

Section 2 Sick leave:

- 2.1 Sick leave as used in these rules, shall mean absence from duty because of the employee’s (1) illness or injury; (2) quarantine by health authorities; (3) medical, dental, or optical consultation or treatment for the employee or an immediate family member; (4) serious illness in the employees’ immediate family. (Revised effective: 07/10/07)
- 2.2 A registered physician must certify in writing the employee’s presence for medical, dental, or optical consultation or treatment of an employee’s immediate family member or serious illness in the immediate family. (Revised effective: 07/10/07)
- 2.3 The term immediate family for purposes of sick leave shall include one of the following persons: spouse, parent, child (including foster child and step-child), or other relative living in the employee’s household. (Revised effective: 07/13/07)
- 2.4 Sick leave with pay shall be earned by all employees in the classified service at the rate of one (1) day for each full calendar month of service.
- 2.5 An employee who has taken sick leave shall file with his appointing authority or delegated representative a certificate stating the cause of his absence and the amount of time taken. If the amount of leave taken is in excess of three (3) consecutive days, a registered physician must certify to the nature of 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 three (3) days or less, the appointing authority or his delegated representative may require a statement from a registered physician or 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 pay. In addition, other disciplinary action may be taken by the appointing authority.

2.5 (a) Donation of earned sick leave.

Subject to the prior approval of the Civil Service Director , an appointing authority may allow and employee to donate sick leave with pay to a classified employee, subject to the following conditions:

- 1. The recipient must be a regular employee.
- 2. The donor relinquishes all future claims to the donated leave, regardless of the medical condition of either the donor or the recipient.
- 3. The donation must be strictly voluntary, without coercion, implied or otherwise, and must be certified as such in writing by the donor in advance of the actual transfer of sick leave from the donor to the recipient.
- 4. In any case in which an employee is donating sick leave with pay to an employee in another organizational unit, the approval of both appointing authorities will required.
- 5. Following approval, the appointing authority/authorities must submit all the necessary leave adjustment forms to the Department of Civil Service with appropriate documentation.

2.6 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 in effect, 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 Thibodaux 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 Thibodaux 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.

- 2.7 On December 31st of each year, the accumulated sick leave earned by an employee shall be carried forward to the succeeding year.
- 2.8 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.
- 2.9 Transfers, promotions or demotions shall in no way affect the status of earned sick leave.
- 2.10 In computing charges against accrued sick leave, deduction shall be made only for workdays. If employee is reimbursing City with Workmen’s Compensation check, charges of one-half (1/2) day for each workday shall be made to the employee’s accrued sick leave.
- 2.11 Employees who have used up all accumulated sick leave and annual leave and have not been extended leave without pay under Section 6.1 of this rule, shall be automatically terminated and placed on the appropriate re-employment list.
- 2.12 Effective August 1, 1995, employees eligible for retirement shall be paid for accrued sick leave according to the following schedule:

Years of Service	% of sick Leave Paid	Cap Compensated Hours
0 – 14	0	0
15 – 19	33%	480
20 – 24	66%	720
25 and over	100%	960

- 2.13 Upon the death of an employee eligible for retirement, his/her beneficiary shall receive one-half of the accrued sick leave payment due the employee.
- 2.14 The formula for computing hourly rate shall be the annual salary of the employee provided in the pay plan divided by two thousand and eighty (2080) hours for employees working a 40 hour work week or divided by one thousand nine hundred fifty (1950) hours for employees working a 37.5 hour work week for those employees hired before October 1, 2002. Effective October 1, 2002, the hourly rate of all newly hired employees will be determined by dividing by 2,080 hours.

Section 3 CIVIL LEAVE

- 3.1 An employee 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 appointing authority or his delegated representative.

- 3.2 An employee shall be given time off without loss of pay when ordered to report for selective service pre-induction physical examination.

Section 4 **Compensatory Leave:** All provisions of Rule VIII: Compensatory Leave, Sections 4.1 through 4.8, are hereby rescinded and repealed effective November 10, 2009.

Section 5 **Military Leave:**

- 5.1 A classified employee shall be given time off for the annual military reserve or National Guard training. Absence shall be granted as leave without pay; provided, however, that if employee elects to utilize a portion of his annual leave or compensatory leave entitlement he will receive full pay for the absence and his annual leave will be charged only one-half (1/2) day for each workday absent. No more than ten (10) workdays shall be applicable to the one-half (1/2) day annual leave or compensatory leave provisions regardless of length of the training period. (Revised 9/11/2012)
- 5.2 A regular employee who involuntarily leaves the City Service for active military duty shall be placed on military leave without pay, such leave to extend through a date of thirty-one (31) days after his release from active duty.
- 5.3 Employees returning from military leave granted in accordance with Section 5.2 above shall be entitled to reinstatement in the same or similar position they vacated at the rate of pay prevailing for that position at the time reinstated; provided that all the following conditions are met:
- (a) Separation from the armed forces was under conditions other than undesirable or dishonorable.
 - (b) Application for reinstatement was made within thirty-one (31) days following separation.
 - (c) Copy of separation document is presented to the Director for verification of military service.
 - (d) Employee is physically and mentally qualified.
- 5.4 Employees reinstated under these provisions shall be credited with any unused sick leave accrued at the time leave was granted.

Section 6 **Leave Without Pay:**

- 6.1 An appointing authority may grant leaves of absence without pay to classified employees subject to the following conditions:
- (a) All leaves of absence without pay in excess of fifteen (15) consecutive calendar days must have the approval of the Civil Service Director.
 - (b) Employees with less than five (5) years of continuous service may be granted leave of absence without pay not to exceed ninety (90) calendar days in a period of twelve (12) consecutive months; provided such leave is considered to be in the best interest of the service as determined by the appointed authority and the Civil Service Director. (Revised 9/11/12).

(c) Employees with over five (5) years of continuous service may be granted leave of absence without pay in excess of ninety (90) calendar days when a registered physician certifies that employee will be incapacitated for work for a period of time in excess of ninety (90) days. Such leave may not exceed twelve (12) consecutive months.

(d) A classified employee may temporarily move into an unclassified position, up to a maximum of six (6) months, and not lose his or her Civil Service status when he or she returns to the classified position. Any period in excess of six (6) months must be approved by the Civil Service Board.

6.2 **Family Medical Leave Law of 1993** Rescinded and repealed effective 11/10/10

Section 7 Maternity Leave:

7.1 Leave for maternity reasons is a period of approved absence for any permanent employee for incapacitation related to pregnancy or childbirth, for which the employee is required to present a statement from her physician.

7.2 Leave for maternity reasons shall be allowed for a period of up to three (3) months, and, upon the advice of the attending physician, may commence at any time prior to the date of expectancy. At the joint discretion of the appointing authority and attending physician, an additional period of three (3) months may be granted.

7.3 Leave for maternity reasons shall be recorded as leave without pay except that an employee may choose to charge maternity leave against accumulated annual leave, sick leave, compensatory time, and/or leave without pay.

7.4 **ADOPTION:** When an employee adopts a child, the employee will be entitled to maternity leave in accordance with Section 7 of the rules and regulations.
(Revised effective: 01/20/93)

Section 8 Holidays:

8.1 Holidays for all employees in the classified service shall be as follows:

- (a) New Year's Day
- (b) Martin Luther King Day (Revised effective: 03/07/94)
- (c) Mardi Gras Day
- (d) Good Friday
- (e) Memorial Day (Revised effective: 01/01/99)
- (f) Independence Day (July 4th)
- (g) Labor Day
- (h) Veterans' Day (Revised effective: 01/01/99)
- (i) Thanksgiving Day
- (j) Christmas Day (Revised effective: 01/01/99)

8.2 The holidays named in Section 8.1 shall be known as regular holidays. Whenever New Years Day, Independence Day or Christmas Day falls on a Saturday or Sunday, the previous Friday or the following Monday shall be observed as a holiday at the discretion of the governing body.

- 8.3 When an employee is required to work on a regular holiday, the employee shall perform his duties on that day, but shall be entitled to equal time off or one (1) extra day pay, at the discretion of the employee. Time off or extra day of pay shall be equal to the number of hours (7 ½, 8, or 12) of the employee's regular shift.

If an employee is scheduled to work on a regular holiday, but with the approval of his department head elects to observe the holiday, the employee shall be paid holiday pay equal to the number of hours of his regular shift for that day in lieu of his regular pay.

If a regular holiday falls on an employee's scheduled day off, that employee shall be given a designated holiday off within that pay period or the next pay period as approved by his department head. (Revised effective: 07/21/87)

8.4 Special Holiday

- (a) defined; a special holiday is any holiday proclaimed by the Mayor and not listed as a regular holiday in the Civil Service manual.
- (b) When an employee is required to work on a 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.
- (c) If a special holiday falls on an employee's scheduled day off, that employee shall be given a designated holiday off within that pay period or the next pay period as approved by his department head. (Revised effective 07/21/87)

Section 9 Continuous Service:

- 9.1 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.
- 9.2 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.
- 9.3 Employees who are re-employed after a period of layoff shall be credited with previous city employment in computing continuous service.
- 9.4 Periods of temporary employment, other than the provisional employment stipulated in Section 9.2, shall not be credited as continuous service.

Section 10 Bereavement Leave

- 10.1 The City shall grant twenty-four (24) working hours of paid time off to any permanent employee to attend the funeral and take care of related matters upon the death of an immediate family member which for purposes of bereavement leave includes spouse, parent, child, sibling, grandparent, parent-in-law, son-in-law, daughter-in-law, grandchild, or other relative living in the employee's household. In order to receive this benefit, the employee must have completed his/her probationary period, and must have

previously been scheduled to work during the days requested for bereavement leave. An employee not eligible for paid bereavement leave may be granted sick leave, annual leave, and/or unpaid bereavement leave upon the death of an immediate family member.
(Revised effective: 11/13/07)

With department head's approval, a permanent employee may take up to sixteen (16) additional working hours charged to sick leave, annual leave, or unpaid leave.

An employee shall immediately notify his/her department head of the need to use bereavement leave. If additional time off is needed, the employee will make his/her request.

Upon return to work, the employee is required to provide the department head with a copy of an obituary or other appropriate documentation of the death and funeral.

When it has been determined that an employee has charged an absence against bereavement leave, although no actual death occurred, the value of absent time must be deducted from the employee's pay. In addition, other disciplinary action may be taken by the department head.
(Revised effective: 01/01/01)

Section 11

11.1 Weather

An employee shall be given time off without loss of pay, annual or sick leave when

- (1) Appointing authority determines that he/she is prevented by an act of God from performing his/her duty.
- (2) The appointing authority determines that because of local conditions it is impractical for his/her employees in such locality to work. (Revised effective: 09/01/01)

Section 12

12.1 Notice of Retirement

All classified employees shall notify their appropriate supervisor and/or department head in writing of their impending retirement no less than one hundred twenty (120) days prior to their actual retirement date.

Should a classified employee face a situation that does not allow him/her to give the required notice, the appointing authority can consent to a shorter period of notification, or the employee can request a waiver of the notice requirement from the Civil Service Board. (Effective: 07/10/07)

Section 13

13.1 Lunch Breaks

Civil Service classified employees are required to take a minimum of thirty (30) minutes off for a non-paid lunch break. Longer lunch breaks may be scheduled at the discretion of the appointing authority or his/her designee. (Effective: 01/11/11)

RULE IX

DISCIPLINARY ACTIONS, REMOVALS, DEMOTIONS, LAYOFFS

Section 1 Maintaining Standards of Service:

- 1.1 When any regular employee in the classified service is unable or unwilling to perform the duties of his position in a satisfactory manner or has committed any act to the prejudice of the service, or has 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 of five percent (5%) of the employee's current 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 Civil Service Director to be competent to fill; (5) suspension without pay not exceeding in the aggregate thirty (30) days in any period of twelve (12) consecutive calendar months; (6) 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 alcoholic beverages while on duty; and reporting for duty while under the influence of alcohol.
 - (g) The use of alcohol or illegal substances or preparation to an extent, which precludes such employee from performing the duties of his position in a safe or satisfactory manner.
 - (h) Falsely making a statement of any material fact 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 party 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, take a leave of absence from his duties, or waive any of his rights under the provisions of Article IV of the City Charter, 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 provision of Article IV of the City Charter, or any rule, regulation, or order lawfully 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.

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 complete reasons and details thereof.

The statement shall include the date, time, and place of the misconduct, the name of the person directly involved in or directly affected by the misconduct (unless the identity is protected by state or federal statute or regulation, in which case, identification shall be made as permitted by such statute or regulation), and such other information as willfully inform the employee of the charges against him/her and will enable him/her to prepare a defense.

If a suspension is levied for the purpose of investigating suspected misconduct, "detailed reasons" shall include at least a description of the nature of the misconduct suspected, a general time frame in which the conduct is suspected to have occurred, the name of any person directly involved in or directly affected by the suspected misconduct (unless the identity is protected by state or federal statute or regulation), and such other information that is available to the appointing authority that will inform the employee what misconduct is being investigated.

The employee shall be entitled to an informal hearing with the appointing authority to discuss the reasons for the action contemplated and shall be given an opportunity to rebut at the hearing any alleged act of misconduct or other action on the part of the employee which necessitated the adverse action. This hearing shall be informal and may be refused by the employee but no action mentioned above shall be taken prior to either the actual informal hearing or the rejection by the employee of the hearing.

The director shall notify the employee in writing at his/her last known address that he/she has the opportunity to make a reply in writing or orally at the hearing and has the right to attend said informal hearing, and the director shall receive and consider any reply made, make an investigation of the facts, and report such investigation to the appointing authority.

No action shall be taken by the appointing authority based on any reason not stated in the notice for the opportunity for an informal hearing unless the employee is given an opportunity for an additional informal hearing in conformity with this section in order to discuss the new allegation. (Revised effective: 04/11/94)

Section 2

Demotions and Abolition of Positions:

2.1 Demotions of regular employees shall be made by the appointing authority when necessary to reduce the number of employees in the classified service or in any class therein. Demotions in 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 department affected. 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 for 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 X

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 the actual rendering of service in the 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 on duty or other satisfactory way of describing the time worked in the payroll period.
- 1.3 No payment for personal service shall be made by any department of 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 continuous 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 portion 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 the appointing authority 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, these forms shall constitute authorization for the initial placement of the name of a person on a payroll, except in accordance with the law and these rules.

Section 3 Leave Records:

- 3.1 Each appointing authority shall, with the advice and assistance of the Director, install and maintain a leave record showing, for each employee who holds a position in the classified service, (1) vacation 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 Civil Service 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 provisions 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 records 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, examination materials, tests and the results of tests, except as provided in Rule V, Section 4.4.
 - (b) Confidential reports and investigations on the character, personality and history of employees or candidates for positions in the city service.

RULE XI

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 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 for any political organization or purpose, or solicit or take part in soliciting any such 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, local committee of a political part, 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 or to suspend or reprimand him; and the appointing authority shall forthwith discharge, suspend or reprimand such employee.

- 1.8 Any appointing authority, 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 Article IV of the City Charter.

**Political Activity Restriction of Municipal Government Employees' Civil Service,
Thibodaux, LA**

Warning to Classified Employees of the City of Thibodaux and to Others

GENERAL PROVISIONS

All persons in the classified service are prohibited by Article IV, Section 12 of the City Charter and by rules and regulations of the Civil Service Board from engaging in any partisan political activity other than:

1. Expressing one's opinion privately;
2. Serving as a Commissioner or Watcher at polls; and
3. To cast one's vote for whom he/she desires.

POLITICAL ACTIVITY DEFINED

Political activity is defined as meaning any effort to publicly support or oppose the election of a candidate for political office or to publicly support a particular political party in an election. Exempt from the definition of political is the support of issues involving bonded indebtedness, tax referenda, or constitutional amendments, which activities are not prohibited.

CLASSIFIED EMPLOYEE DEFINED

A classified employee is any person holding a job or position in the classified service of the City of Thibodaux and his/her political activity is restricted regardless of whether he/she is:

1. On active duty or off duty.
2. On annual or sick leave.
3. On educational, military, maternity, civil, emergency, or compensatory leave.
4. On leave of absence of any type, with or without pay.
5. Off duty during a holiday.
6. Under suspension.

**SPECIFIC PROHIBITIONS IN THE LAW REGULATING POLITICAL
ACTIVITY ON THE PART OF EMPLOYEES**

Directly or indirectly paying or promising to pay any assessment, subscription or contribution for any political organization or purpose.

Soliciting or taking part in soliciting any assessment, subscription or contribution for any political organization or purpose.

Being a member of any national, state, or local committee of a political party.

Being an officer or member of any factional or political club or organization.

Being a candidate for nomination or election to any public office.

**COERCION OR INTIMIDATION OF EMPLOYEES PROHIBITED BY
CIVIL SERVICE LAW**

No appointing authority, or agent or deputy thereof or supervisor of any employee shall directly or indirectly demote suspend, discharge, or otherwise discipline, or discriminate against any person in the classified service of the City for the purpose of influencing his/her vote, support, or other political activity

in any election or primary election; and no appointing authority, or agent or deputy thereof shall use his/her official authority or influence, by threats, promises or other means, directly or indirectly, to punish or coerce the political action of any employee in the classified service of the City.

**OTHER PROHIBITIONS IN THE CIVIL SERVICE LAW AFFECTING PERSONS
NOT NECESSARILY EMPLOYEES**

No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

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.

PENALTIES FOR VIOLATION OF CIVIL SERVICE LAW

Suspension without pay or dismissal of offending officer or employee.

REPORT OF VIOLATIONS

It shall be the duty of any employee or City official to report promptly any violations of the provisions of Rule IX to the Director of Civil Service, whose duty it shall be to make a thorough investigation concerning the alleged violations and to report the findings to the Civil Service Board.

P. O. Box 5418
Thibodaux, LA 70302

BOARD ACTION ON VIOLATIONS

The Civil Service Board is authorized to conduct investigations by public hearing into allegations that the political activity restrictions contained in the Board's rules and regulations have been violated and the Board has the authority upon finding that such a violation has occurred to levy the penalty set forth above.

**BOARD DECISIONS ILLUSTRATING SOME POLITICAL ACTIVITIES IN
WHICH A CLASSIFIED EMPLOYEE MAY NOT ENGAGE**

Acting as a campaign manager.

Soliciting votes in an election campaign.

Acting as chauffeur or driver for a candidate in an election campaign or accompanying him/her when he/she is soliciting votes.

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/her choice of candidates or issues while serving as a commissioner at the polls.

Distributing cards 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.

Offering to pay for votes or passing out cards in aid of a candidate, faction or group.

Procuring the activities of another to work in the promotion of an election campaign.

Asking subordinate employees to vote for a particular candidate.

Displaying a political sticker on a vehicle owned or operated by the employee.

Posting political pictures or advertisements in public places.

Posting political pictures or advertisements on property owned by the employee.

Addressing campaign literature or envelopes.

Working at campaign headquarters or otherwise assisting in a political campaign.

Wearing in public places T-shirts printed with voter solicitations.

Purchasing tickets for "testimonial" or "political" dinners for purposes of raising campaign funds.

Distributing or transporting political literature, posters, or other political data. (Rev. Eff: 10/01/2002)

Section 2 **Report of Violations:**

- 2.1 It shall be the duty of any employee or city official to report promptly any violations 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 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 or to dismiss such officer or employee, and such officer or employee shall be suspended or dismissed as directed by the Board.

RULE XII

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 these rules.