



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpge.net

#12

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JANUARY 17, 2017 AT THREE O'CLOCK P.M.

On motion of Mr. McCloskey, seconded by Mr. Luna, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #1847-01-17

Summary No. 3447

Introduced by: Administration on 12/20/16

Public hearing held on 1/17/17

AN ORDINANCE TO REPEAL AND REPLACE IN ITS ENTIRETY CHAPTER 17; PERSONNEL OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, as the Governing Authority of the Parish, does hereby repeal and replace Chapter 17; Personnel in its entirety in the St. Bernard Parish Code of Ordinances as attached as Exhibit "A."

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 17th day of January, 2017.

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

Manuel "Monty" Montelongo III
Councilmember
District E

Roxanne Adams
Clerk of Council



St. Bernard Parish Council

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Extract #12 continued
January 17, 2017

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

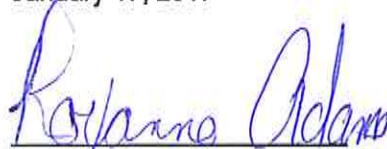
Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

**Manuel "Monty"
Montelongo III**
Councilmember
District E

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Clerk of Council



ROXANNE ADAMS
CLERK OF COUNCIL

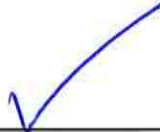


RICHARD J. LEWIS
COUNCIL CHAIR

Delivered to the Parish President


1/18/2017 4:00pm
Date and Time

Approved



Vetoed

Parish President



Guy McInnis

Returned to Clerk of the Council

1/18/2017 4:15pm
Date and Time

Received by



ORDINANCE SBPC #1847-01-17
Summary No. 3447

CHAPTER 17 - PERSONNEL

ARTICLE I. – EMPLOYEE RIGHTS, OBLIGATIONS, AND PROHIBITIONS

DIVISION I- DEFINITIONS

Sec. 17-1. - Definitions.

The following terms, phrases and words, when used in this article, shall be construed to have the following meanings:

Accumulated annual leave shall mean annual leave earned but unused.

Administrative code shall mean rules of procedure promulgated by the Louisiana State Office of the State Register.

Advance in rate of pay shall mean a salary increase given to an employee for a reason or reasons other than a change in the classification of the employee's position or a change in the established salary range for the employee's class of positions.

Allocation shall mean the official determination of the specific class to which a position in the classified service belongs.

Annual Leave shall mean paid time off of work each year that an employee is allowed to be away from work. Annual leave is the same as vacation leave.

Appointing authority shall mean Parish President, Chief Administrative Officer or their designee.

Appointing panel shall mean the director of the individual departments, the immediate supervisor of the position to be filled, the Director of Human Resources, and one independent manager or directors selected by the Human Resources Director.

Appointment shall mean the designation of a person by a duly empowered appointing authority to become an employee in a position, and the person's induction into the position.

Average service rating shall mean the simple arithmetical mean of the weights assigned to the service ratings, the weights being: "clearly outstanding"—4 points; "exceptional"—3 points; "satisfactory"—2 points; "some deficiencies evident"—1 point; "unsatisfactory"—0 points.

Board shall mean the Personnel Board.

Break in Service shall mean any consecutive period of time six (6) months or greater.

Certification shall mean a list of names of persons furnished to an appointing authority by the department from an appropriate employment list, who are eligible to be considered for appointment to a position in the classified service.

Certification after probation shall mean the official notice furnished by the Director of Human Resources that an employee has satisfactorily completed the prescribed working test period.

Class or class of positions shall be a definitely recognized position or kind of employment in the classified service; or a group of positions in the classified service that are so nearly alike in the essential character and nature of their duties, responsibilities, and consequent qualification requirements, that they can be treated alike equitably and fairly under like conditions for all personnel purposes.

Classification plan shall mean all the classes of positions established for inclusion in the classified service.

Classified service shall mean all offices and positions of trust of employment in the parish service, except those placed in the unclassified service by St. Bernard Parish Police Jury Ordinance Number OPJ-2-89. The following shall not be members of the classified personnel system of the Parish:

- (1) All Elected officials of the St. Bernard Parish Government;
- (2) Any Secretaries or Assistants to the Parish President;
- (3) Chief Administrative Officer;
- (4) Department heads created by or under this Charter or continued in accordance with the provisions of this charter;
- (5) Employees named directly by the Governing Authority;
- (6) Fire Department personnel under State Fire Civil Service;
- (7) All members of advisory boards and commissions;
- (8) All employees of intergovernmental agencies;
- (9) All employees hired on a part-time, temporary, or contractual basis;
- (10) The director of the library and other employees of the library.

Competitive position shall mean any position in the classified service that is subject to the requirements relating to appointment on the basis of competitive tests of fitness; more specifically, every position in the parish service that is not expressly excepted or included among the positions in the unclassified service.

Continuous examination shall mean an examination for which no final filing date has been set, which will be given on more than one (1) date, and from which the resultant employment list is an open list. va

Continuous service and/or uninterrupted service, as used in this article, or in the pay plan provisions shall mean employment in the classified parish service uninterrupted by dismissal, resignation, retirement, or layoff; subject to the specific administrative and procedural provisions set forth in the tenure award provisions of the pay plan.

Demotion shall mean a change of an employee in the classified service from a position of one (1) class to a position of another class for which a lower maximum rate of pay is prescribed.

Department shall mean the department of human resources.

Director shall mean the parish director of the department of human resources.

Division or division of the service or agency shall mean a department or any division or subdivision thereof, or any branch, or any agency of the parish government, or any corporation organized for public purposes, all of the positions which are under the same appointing authority.

Employee shall mean a classified person legally occupying a position. The use of the word employee shall refer to only classified employees unless specifically designated otherwise.

Examination shall mean the entire qualifying procedure through which an applicant for a classified position must go in his attempt to achieve employment with St. Bernard Parish Government.

Governing Authority shall mean the St. Bernard Parish Council, and the duly elected members as stated in the St. Bernard Parish Home Rule Charter.

Hourly Employees shall mean those employees who are paid an hourly rate for each hour work.

Intergovernmental agencies shall be employees employed by judges, sheriff's department, district attorney, clerk of court, or any other department, agencies, commissions, boards or political subdivisions of the State of Louisiana except employees covered by this article.

Layoff shall mean the removal of an employee because of lack of work, failure of financial appropriation, abolishment of position, or other causes which do not reflect on the employee.

On-Call Monitoring shall mean Employees who carry a St. Bernard Parish Government phone/radio after normal work hours. He/She is responsible for responding to any and all emergency call outs while on call. He/She must respond to all calls within 30 minutes.

Organization unit shall mean any administrative agency or part thereof that is designated by rule or regulation as a unit for purposes of administration of the law or of the administration of the rules and regulations of the Personnel Board.

Merit increase shall mean any increase to a regular employees pay beyond one step. A pay increase due to promotion shall not be considered a merit increase.

Parish service shall mean all offices and positions of trust or employment in the parish, or any department, agency, board, commission, or any division or subdivision of any department, agency, board or commission, or any corporation organized for public purposes, including persons employed by the parish or joint federal and parish agencies administering parish and federal relief and other funds, other than military service, irrespective of whether the pay for the offices and positions of trust or employment be paid out of the Parish treasury, either in whole or in part, except those positions excepted by the provisions of the definition of classified services as delineated in this section.

Pay shall mean salary, wages, and all other forms of valuable consideration, or the amount of any one (1) or more of these earned by or paid to any employee by reason of service rendered in any position, but excluding allowances for expenses authorized and incurred as incidents to employment. Pay in the form of parish contributions to employee insurance and retirement benefits programs shall not be subject to the Personnel Board pay plan and rule making authority.

Pay plan shall mean all the scales or rates of pay prescribed under the provisions of the law by the Personnel Board and approved by the Governing Authority for classes of positions in the classified service.

Pay status shall mean an employee's presence for work or absence on authorized leave with pay during and throughout each working day in a specified pay period.

Personal Day shall mean paid time off of work provided as a benefit. A personal day is not annual leave (vacation) or a sick day.

Position shall mean any office or any employment in the service of the parish, or any two (2) or more of them in combination, the duties of which call for services to be rendered by one (1) person, including positions jointly employed by federal and parish agencies administering federal and parish relief funds.

Probationary Employee shall mean any person appointed to a position in the classified service by certification or a promotion. Every employee shall serve a probationary period of (6) six months while occupying the position.

Prohibitions against political activity shall mean those restrictions adopted by the Personnel Board and prescribed either in this article or by regulation, which prohibit participation by employees in activities which the Board deems of a political nature.

Promotion shall mean a change of an employee in the classified service from a position of one (1) class to a position of another class for which a higher maximum rate of pay is provided in the pay plan.

Promotion test shall mean a test for positions in a particular class, admission to which is limited to employees in the classified service who are holding a position in a lower class.

Public hearing shall mean a hearing held in accordance with Louisiana Revised Statute § 42:11 ET sec. "Open Meetings Law".

Public notice shall mean the posting of a notice of intention on the part of the Personnel Board or the Director of Human Resources to take a certain action, such notice to be posted on a bulletin board located at the offices of the department or published in the official journal or journals of the parish, or both.

Redlined shall mean when an employee's salary has reached the maximum pay range for their job classification.

Reemployment shall mean the reappointment of a former regular employee or a present employee who has been demoted or separated from his position for reason other than fault or delinquency on his part to a position of the class from which he was separated.

Regular employee shall mean an employee who has been appointed to a position in the classified service in accordance with this article and who has completed the prescribed working test period.

Regulation shall mean a definition, policy, or mode of procedure consistent with this article and formally prescribed in writing by the Director of Human Resources or the Personnel Board to govern the manner of giving impetus or effect to the law or this article. For this purpose, all such regulations shall be recorded in a book of regulations.

Reinstatement shall mean the reappointment of a working test employee or a regular employee who has been separated from his position for reasons other than fault or delinquency on his part to a position of the same class.

Salaried Exempt Employees shall mean those employees who do not receive overtime pay; they are exempt from the overtime provisions of the Fair Labor Standards Act.

Salaried Non-Exempt Employees shall mean those employees who are entitled to overtime pay; they are not excluded from the overtime provisions of the Fair Labor Standards Act.

Selective certification shall mean the certification to an appointing authority, by the department, of a list of names of persons who have been specifically selected from an appropriate employment list because of their possession of certain necessary and specified qualifications.

Service rating shall mean the evaluation of an employee's job performance, made by the employee's immediate supervisor or appointing authority in accordance with the methods prescribed by the director.

Sick leave shall mean an employee's absence from duty because of any one (1) of the following reasons: (1) the employee's personal illness, injury or any other type of physical disability except injuries incurred on the job; (2) quarantining of the employee by health authorities; (3) dental appointments; (4) serious illness in employees immediate family. For

purposes of this article, the term "immediate family" shall include the parents, spouse, children, brothers, sisters, immediate in-laws, and other relatives in care of.

Temporary appointment shall mean an appointment for a limited period of service without acquisition by the appointee of any continuing right to be retained as an employee beyond that period or the position is grant funded.

Termination of service shall mean the separation of an employee from his position by reason of death, resignation, layoff, dismissal, expiration of his term of appointment, or failure to return after the expiration of a period of authorized leave.

Test shall mean a specific phase of the examination process, such as a written test, a performance test, an oral interview, an experience rating, etc.

Transfer shall mean the reassignment or change of an employee from a position in one (1) department to a position in another department, provided similar requirements exist in both positions.

Unassembled examination shall mean an examination or test for the candidates which are not all assembled in the same place at the same time.

Unclassified employee shall mean the following:

- (1) All elected officials of the St. Bernard Parish Government;
- (2) Any Secretaries or Assistants to the Parish President;
- (3) The Chief Administrative Officer;
- (4) Department heads created by or under this Charter or continued in accordance with the provisions of this Charter;
- (5) Employees named directly by the Governing Authority;
- (6) Fire Department personnel under State Fire Civil Service;
- (7) All members of advisory boards and commissions;
- (8) All employees of intergovernmental agencies;
- (9) All employees hired on a part-time, temporary, or contractual basis;
- (10) The director of the library and other employees of the library.

Working out of Classification shall mean Employees who work in a higher classification based on a bona fide emergency situation affecting the safety and health of the citizens or operation of St. Bernard Parish Government or when there is an immediate need to temporarily fill an unoccupied position.

Working test period shall mean the period prescribed by the Director, during which an employee is considered to be in an on-the-job test situation immediately following his appointment. The term "probation period" shall be considered identical with the term "working test period".

Working test period employee shall mean an employee who has been appointed to a position but who has not completed his working test period. The term "probationary employee" shall be considered identical with the term working test period employee.

(Ord. No. OPJ-14-91, Rule I, § 1, 6-4-91; Mo. of 6-18-91)

DIVISION II- RIGHTS

Sec. 17-2. - Employee disclosure of information.

No employee shall be subject to discipline or discriminatory treatment by an appointing authority because he or she gives information, testimony or evidence in a prudent manner to appropriate authorities concerning conduct prohibited by law or regulation, which he or she reasonably believes to have been engaged in by any person(s). If the employee incurs such treatment despite this admonition, he or she shall have a right of appeal to the St. Bernard Parish Personnel Board.

(Ord. No. SBPC-95-12-93, 12-21-93; Mo. of 2-1-94)

State law reference— Freedom from reprisal for disclosure of improper acts, R.S. 42:1169.

Sec. 17-3 – Sec. 17-5 Reserved.

DIVISION III- PROHIBITIONS AND OBLIGATIONS

Sec. 17-6. - Improper use of public transportation funds by employees.

- (a) The Office of Risk Management shall develop and maintain a vehicle use policy for St. Bernard Parish Government employees.
- (b) The policy shall be submitted to the Personnel Board. The Personnel Board shall make recommendations it finds appropriate; and submit these to the Parish President. The Parish President may adopt the rules with or without amendment.

Sec. 17-7. - Employment with the parish; compliance with the Military Selective Service Act.

- (a) The Director shall encourage compliance with the Military Selective Service Act in the following ways:
 - (1) The Director shall inform all persons seeking employment with the St. Bernard Parish Government that failure to comply with the Military Selective Service Act, 50 App. USCA Sub-Section 453, is a bar to employment with the federal government; and

(2) The Director shall require that all persons seeking employment with the Parish of St. Bernard verify in writing on a form to be provided by the Director, that they have complied with the requirements of the Military Selective Service Act, 50 App. USCA Sub-Section 453.

(b) The Chief Administrative Officer is authorized to, and shall coordinate such policies and procedures with the Director.

(Ord. No. SBPC-455-05-00, § 1, 5-16-00)

Sec. 17-8- Prohibition against accepting gratuities from contractors.

Employees are prohibited from accepting any gratuity, no matter what the cost or value, from St. Bernard Parish Government contractors, except when specifically allowed by the Code of Governmental Ethics. In no circumstance may an employee accept gifts of money. The term "gratuity" shall include but is not limited to money, food, beverage, gifts, tickets to events that are normally sold to the public, invitations to contractor sponsored events where food and beverage are served at no charge, trips, hunting outings, fishing outings, use of dwellings, or anything of value. In cases of conflict, with other provisions of law, the most restrictive rule shall take precedence.

Sec. 17-9 – Sec. 17-12 Reserved

DIVISION IV- NEPOTISM

Sec. 17-13. - Policy.

It shall be the stated policy of the Governing Authority that it is essential to the proper operation of democratic government that elected officials and public employees be independent and impartial; that public office and employment not be used for private gain; that there be public confidence in the integrity of government; and in the furtherance of this policy the following article is adopted.

(Ord. No. OPJ-1-88, § 1, 1-12-88)

Sec. 17-14. - Definitions.

"Immediate family" as the term relates to a public servant means his spouse, children, parents, brothers, sisters and immediate in-laws.

(Ord. No. OPJ-1-88, § 6, 1-12-88)

Sec. 17-15. - Immediate family of officials not to be employed

No member of the immediate family of a member of the Governing Authority, Parish President, or the Chief Administrative Officer shall be employed by St. Bernard Parish Government

(Ord. No. OPJ-1-88, § 2, 1-12-88)

Sec. 17-16. - Same—By appointed boards or commissions.

No member of the immediate family of a member of the Governing Authority, Parish President, or the Chief Administrative Officer shall be employed by any board or commission appointed, either wholly or in part, by the Governing Authority.

(Ord. No. OPJ-1-88, § 3, 1-12-88)

Sec. 17-17. - Immediate family of board members not to be employed.

No member of the immediate family of a member of any board or commission appointed wholly or in part by the Governing Authority, Parish President or the Chief Administrative Officer shall be employed by the St. Bernard Parish Government.

(Ord. No. OPJ-1-88, § 4, 1-12-88)

Sec. 17-18- Prohibition against supervising immediate family members.

- (a) No member of the immediate family of any employee is allowed to supervise, direct, or influence the pay, standing, or promotional opportunities of another immediate family member.
- (b) The Parish shall make reasonable accommodations for any employee to ensure the employee does not violate this section. However, the Parish may deny employment, demotion, or promotion to an employee if such employment, demotion, or promotion would violate this prohibition.
- (c) If two (2) employees marry neither shall be required to resign or transfer unless they have a direct supervisory relationship.
- (d) It shall be the responsibility of the employee to disclose a possible violation of this section.

Sec. 17-19 – Sec. 17-20 Reserved.

(Ord. No. OPJ-1-88, § 5, 1-12-88)

Sec. 17-21. - Enforcement agency.

This article shall be enforced by the Appointing Authority.

(Ord. No. OPJ-1-88, § 8, 1-12-88)

Sec. 17-22 – Sec. 17-23 Reserved.

DIVISION V- POLITICAL PROHIBITIONS

Sec. 17-24. – Prohibited political activities.

- (a) No member of the Personnel Board and no employee in the classified service shall:

- (1) Be a candidate for nomination or election to public office.
 - (2) Be a member of any national, state or local committee of a political party or faction.
 - (3) Make or solicit contributions for any political party, faction or candidate.
 - (4) Take active part in the management of the affairs of a political party, faction, candidate or any political campaign.
 - (5) Directly or indirectly pay, or promise to pay any assessment, subscription, or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription or contribution.
- (b) No person shall:
- (1) Solicit any such assessment, subscription or contribution of any employee in the classified service.
 - (2) Be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations.
 - (3) Seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.
 - (4) 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.
- (c) No person shall use, imply or attempt to use his position, whether elective or appointive, in the federal, state or parish services to punish, coerce, intimidate or otherwise influence the conduct of classified employees for political purposes.
- (d) It shall not be deemed a violation of this section if an employee donates, solicits contributions, or takes an active role in managing the campaign of the employee's spouse. This exception shall only apply to employee's spouse's campaign for public office; the employee shall not be allowed to take part in the activities described in subsection (a) of this section for any other campaign except for the employee's spouses. However, an employee whose community property is being used to promote or assist a political candidate, party, or group should give written notice of the fact, amount, and recipient to the department of human resources before the contribution is made, or in the event the employee is not aware that the contribution is being made, at such time as they become aware of the donation.

(Ord. No. OPJ-14-91, Rule XV, § 1, 6-4-91; Mo. of 6-18-91)

Sec. 17-25. - Political activity.

- (a) Political activity means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election.
- (b) Conduct prohibited to classified employees and commissioners by this division includes any public political statement, whether verbal or written, and public political overture or demonstration or any connection with public representation or reproduction having political significance including, but not limited to, badges, emblems, posters, stickers, etc., which may or may not feature insignia, logo or the like having political characteristics easily discernible or identifiable with political parties, factions, candidates or office holders.
- (c) Conduct and activities prohibited by this division extend to classified employees irrespective of whether the individual is:
 - (1) On any type of paid leave status.
 - (2) On any type of unpaid leave status.
 - (3) On suspension from the job.

(Ord. No. OPJ-14-91, Rule XV, § 2, 6-4-91; Mo. of 6-18-91)

Sec. 17-26. - Permissible activity.

Members of the Personnel Board and classified employees may:

- (1) Exercise the right of any citizen to express political views or opinion privately.
- (2) Serve as a commissioner or official watcher at the polls.
- (3) Support issues involving bonded indebtedness, tax referenda, or amendments to the constitution.
- (4) Vote.
- (5) Attend open and public forum debates and public speaking events.

(Ord. No. OPJ-14-91, Rule XV, § 3, 6-4-91; Mo. of 6-18-91)

Sec. 17-27. - Penalties.

The Personnel Board or the Appointing Authority may take appropriate disciplinary action as enumerated in Division 10 of the commission's rules, or Article X, Section 11 of the Constitution of Louisiana for any violation of this division.

(Ord. No. OPJ-14-91, Rule XV, § 4, 6-4-91; Mo. of 6-18-91)

DIVISION VI- SUBSTANCE ABUSE POLICY

Sec. 17-28. - Purpose of the policy.

This drug, alcohol and contraband policy ("the policy") has been established by the St. Bernard Parish Government to assist in providing a safe and healthy work environment for all employees, to protect the general public, to protect the Parish Government's property, and to cooperate with the Parish Government's contractors and citizens in their efforts to provide safe and efficient operations.

(Ord. No. SBPC-61-04-93, § I, 4-6-93)

Sec. 17-29. - Statement of policy.

(a) It is the policy of St. Bernard Parish Government that:

- (1) Employees are expected to report for work and remain at work in a condition to perform assigned duties free from the effects of alcohol and drugs.
- (2) Illegal drug activity on or off the job will not be tolerated. Employees shall not be involved with the unlawful use, possession, sale or transfer of drugs or narcotics in any manner. Alcohol use which could have an adverse effect on an employee's job performance or which could jeopardize the safety of other employees, the public, company equipment or the company's relations with the public will not be tolerated.
- (3) Employees shall not use, possess, sell or transfer drugs or alcoholic beverages in the work place. Employees shall not consume alcoholic beverages in association with the work place or during work time.
- (4) For the purposes of this policy, "illegal drugs" means any drug:
 - a. Which is not legally obtainable; or
 - b. Which is legally obtainable but has not been legally obtained.

(b) It is the policy of the St. Bernard Parish Government that management shall take reasonable measures sufficient to assure that drug or alcohol use by employees or other persons does not jeopardize the safety of its operations or otherwise adversely affect the Parish, its employees or the general public. This policy also recognizes the Parish's understanding that rehabilitation is a preferred method of addressing a substance abuse problem.

(Ord. No. SBPC-61-04-93, § II, 4-6-93)

Sec. 17-30. - Prohibitions.

(a) *Prohibited items and substances.* The possession, concealment, transportation, promotion, purchase, and/or sale of the following items or substances, are strictly prohibited on all Parish Government premises:

- (1) Any and all illegal drugs and other illegal substances;

- (2) Any nonprescription drug, substance or other item defined or listed as a "controlled substance" in 21 U.S.C. 812;
 - (3) "Synthetic drugs", "designer drugs" or "look-alike drugs";
 - (4) Alcoholic beverages, except when consumed at an approved event;
 - (5) Drug paraphernalia;
 - (6) Prescription drugs which are unauthorized.
- (b) *Alcohol.* Employees are prohibited from working or appearing on Parish Government premises while on duty under the influence of alcohol. An employee will be considered as being under the influence of alcohol if his blood alcohol concentration is 0.04 percent (for CDL drivers) or 0.08 percent (for all non-CDL employees) or more by weight based on grams of alcohol per one hundred (100) cubic centimeters of blood or if other circumstances evidence him to be in such condition.
- (c) *Drugs.* Employees are prohibited from using, possessing, concealing, transporting, promoting, purchasing or selling illegal drugs and non-prescribed controlled substances on Parish Government premises. Further, employees are prohibited from working, reporting for work or being on Parish Government premises with any detectable amount of any illegal drugs or non-prescription, controlled substances in their system. The term "detectable amount" shall mean those amounts of a drug metabolite as reported by a NIDA (National Institute on Drug Abuse) or a CAP-FUDT (College of American Pathologists for Forensic Urine Drug Testing) certified laboratory on the basis of NIDA or CAP-FUDT cut-off levels except for the initial testing for marijuana. The initial cut-off level for marijuana shall be no less than fifty (50) Nano grams/ml and no more than one hundred (100) Nano grams/ml as specified by the employer or the testing entity.
- (d) *Prescription drugs and/or medications.* An employee who is using any mind or motor or altering prescription drug or medication under doctor's orders is prohibited from working until he/she first notifies his/her supervisor and Director of Human Resources of the identity and dosage of such drug or medication. The Parish Government reserves the right to have its physician determine whether it is advisable for an employee to work while taking such drug or medication. The Parish Government may restrict the use of any such drug or medication on Parish Government premises, and may restrict an employee's work activities or prohibit him/her from working entirely while he/she is taking such drug or medication, where the same may adversely affect job performance, safety of the employee or others, as determined by the employer.
- (e) *Definitions.*
- (1) The term *Parish Government premises* includes:
 - (a) All premises and locations owned by, leased by or under the control of the Parish Government, including all parking lots, lockers and storage areas;

- (b) All premises and locations at which work is performed by the Parish Government or any of its employees or which are assigned to the Parish Government for its use or the use of any of its employees by any client, or customer including all parking lots, lockers and storage areas;
- (c) All automobiles, aircraft, trucks and other vehicles owned by, leased by, used by or otherwise under the control of the Parish Government.
- (2) The term *illegal drug* includes any and all drugs and/or other similar substances; the use, possession, concealment, transportation, promotion, purchase and/or sale of which is made illegal by any law of the United States or any law of the State of Louisiana.
- (3) The term *controlled substance* includes any and/or all drugs, substances and items which are defined or listed as a controlled substance in 21 U.S.C. 812 or by the law of the State of Louisiana.
- (4) The term *Reasonable Suspicion* means the supervisor is in possession of articulable facts that would lead a reasonable person to conclude an employee is under the influence of drugs or alcohol.

(Ord. No. SBPC-61-04-93, § III, 4-6-93; Ord. No. SBPC-885-08-08, § 1, 8-5-08)

Sec. 17-31. - Alcohol and/or drug testing of employees.

- (a) All classified employees subject to this section shall be required to submit to a random drug-screening urinalysis when requested to do so by the Director of Human Resource. This test shall be given on a random basis without any prior notice to employees.
 - (1) The Human Resource Director shall select a vendor laboratory to conduct and analyze the results of the testing authorized by this ordinance. The laboratory hereinafter referred to as "the vendor" shall be provided with a list of the employees who are subject to random testing. The vendor shall be responsible for the random selection of employees to be tested each month. The vendor shall also choose at random the day of the month on which the testing is to be conducted. The vendor shall then inform the Director of Human Resources who will inform the supervisors of the workers to be tested, that the testing is to take place that day.
 - (2) All employees selected for testing shall report to a location to be selected to submit a urine sample. They will be required to present a photo I.D. to the person collecting the sample.
 - (3) All urine samples shall be collected by a person employed by the vendor for that purpose and ordered to be sealed and marked for identification in the presence of the person submitting the sample.
 - (4) All urine samples shall be collected in accordance with the vendor's standard operating procedure. The employee being tested shall receive his normal wage for the time taken by the collection procedure.

- (5) Employees shall be required to provide all necessary information to the vendor including the names of all prescription drugs being used by the employee and the names of the prescribing physicians.
 - (6) The Parish shall keep confidential all testing results. The second confirmatory test shall be performed on all specimens testing positive using the method generally employed by the vendor to be selected. When a confirmatory test result is positive, the results of the testing shall be referred to the employee and to the human resources department for appropriate action.
- (b) The drug screening urinalysis may also be performed on any Parish employee when there is reasonable suspicion that an employee is under the influence of controlled substances or alcoholic beverages. Grounds for reasonable suspicion shall include, but are not limited to:
- (1) Obvious physical impairment (e.g. stumbling, unsteadiness);
 - (2) Abnormally slurred or loud speech;
 - (3) Red, watery eyes, heavy eyelids, fixed pupils, sleepiness;
 - (4) Irrational behavior;
 - (5) Odor of alcoholic beverages or marijuana;
 - (6) Arrest for a drug or alcohol related offense;
 - (7) Flagrant violation of safety policy;
 - (8) The direct observation of drugs and/or alcohol use while at work or on duty;

The Human Resources Director requesting such screening shall inform the vendor's representative in charge of testing that the employee is being sent to submit a sample. The Human Resources Director shall prepare a written report describing his reasons for ordering the testing which he shall retain and allow the employee to inspect.

- (c) When a supervisor or department director has reason to believe that an employee is impaired by drug or alcohol use, the supervisor and/or department director shall immediately contact the Director of Human Resources who shall investigate the possibility of such impairment. The Human Resources Director shall remove the employee from the immediate presence of other employees. If his investigation determines the possibility of such impairment, he shall immediately arrange for the employee to be tested for drug and/or alcohol use. The employee shall be prevented from returning to the worksite, even in cases where the conditions make immediate testing impossible. In situations where the employee tests positive for alcohol or drugs, or the employee is found by the Human Resources Director to be physically or mentally unable to perform his duties because of apparent substance abuse, disciplinary action shall be taken.

Sec. 17-32. - Disciplinary action for policy violations by employees.

Compliance with this policy is a condition of employment. Employees will be subject to disciplinary action up to and including termination from employment for the following:

- (1) Refusing at any time to submit to a search or inspection or to urine, blood, saliva, breath or other test for the detection of alcohol or drugs or metabolites thereof. Refusing to submit to test will be grounds for dismissal;
- (2) Using, possessing, concealing, transporting, promoting, purchasing, or selling any prohibited item or substance on parish government premises;
- (3) Working or reporting for work while under the influence of alcohol;
- (4) Working or reporting for work with any detectable level, subject to applicable NIDA cut off-levels, of an illegal drug, alcohol or non-prescribed controlled substance or any metabolites thereof in his/her system.
- (5) Failing to notify the Human Resource Director of any mind or motor altering prescription drugs or medications that are being taken.
- (6) Any other violation of local, state or federal law or rule, or regulation pertaining to drugs and/or alcohol.

(Ord. No. SBPC-61-04-93, § VI, 4-6-93)

Sec. 17-33. - Alcohol and drug testing of applicants.

The Parish Government reserves the right to refuse to hire any applicant who either refuses to submit to any such drug or alcohol test, or who tests positive.

(Ord. No. SBPC-61-04-93, § VII, 4-6-93)

Sec. 17-34. – Non-applicable provisions and reservation of rights.

- (a) The provisions of this policy do not apply to the extent that the same conflict with any federal, state or local law, ordinance or regulation.
- (b) This policy and these programs are made for the maximum safety and well-being of all employees and other personnel and the general public.

(Ord. No. SBPC-61-04-93, § VIII, 4-6-93)

Sec. 17-35. - Dissemination.

Each employee shall be given a copy of this policy and as a condition of employment the employee will:

- (1) Abide by the terms of the policy; and
- (2) Notify St. Bernard Parish Government in writing of his or her conviction or arrest for a violation of a criminal drug statute no later than five (5) calendar days after such conviction.

(Ord. No. SBPC-61-04-93, § IX, 4-6-93)

Sec. 17-36. - Substance abuse penalty guidelines.

The St. Bernard Parish Government does not condone substance abuse and wants employees to be aware of the following penalties:

Employee/Applicant Position	Confirmed Positive Test/ Violation	Employee/Applicant Penalty
I. Employment Applicant:		
1. Not already an employee	First	Denial of employment
II. Current Employees:		
1. Probationary	a. First	Dismissal
2. Regular	a. First	Dismissal
	b. Voluntary Admission	When an employee voluntarily admits to the abuse of drugs, the employee shall be required to obtain immediate substance abuse counseling, and to submit to any treatment deemed necessary by the counselor at the discretion of the Director of Human Resources. It shall be the responsibility of the employee to provide documentation to his supervisor that he has initiated the required counseling and/or treatment. The counseling may be obtained from a public or private medical or mental health facility of the employee's choice. The Parish does not assume responsibility for arranging or paying for the counseling or treatment. The employee may be called upon to prove that he is following the recommendations of this counselor. It will be the employee's responsibility to document that treatment was successfully completed. Failure to follow the recommendations of the counselor shall result in dismissal. Once treatment is completed, the employee may be subject to periodic drug testing for up to one year. An employee under the supervision of a counselor shall take un-paid

		medical leave until the employee has completed treatment as prescribed by the counselor and Human Resource Director.
3. Post-Accident/Injury	Any occurrence	The penalties for a positive test shall be the same as set forth in Section 17-36, II (2).

Sec. 17-37. – Miscellaneous Provisions.

- (a) All information obtained by the Parish through this ordinance, including, but not limited to, the result of drug or alcohol test, information concerning prescription drugs legally used by employees, and information concerning substance abuse counseling undergone by employees, shall be kept confidential. Such information shall be transmitted only to those people who must have it for use in disciplinary proceedings or other personnel matters.
- (b) All results of drug and alcohol testing shall be reported by the testing laboratory or agent to the Director of Human Resources who will advise the Parish President, Chief Administrative Officer and the employee's immediate supervisor of all testing results. The recipients of the test results shall insert the record of the results into a secured file in the Human Resource Department.
- (c) The Parish may reveal the information contained in Paragraph (a) in order to defend any lawsuit or claim for unemployment compensation brought by any employee which arises from the implementation of the provisions of this ordinance, notwithstanding the confidentiality provisions contained within this chapter.
- (d) There shall be no employee expectation of privacy concerning any property used or owned by the Parish. This shall include, but is not limited to, lockers, tool chests, vehicle trunks and glove compartments. All parish property is understood to be subject to search at any time.
- (e) Any urine sample test sheet which proves to be positive upon confirmation shall be held for a period of at least (1) year.

Sec. 17-38 - Sec. 17-43 Reserved.

ARTICLE II- PERSONNEL SYSTEM ORGANIZATION

DIVISION I- HUMAN RESOURCES OFFICE

Sec. 17-44. - Generally.

It shall be the policy of the Parish to employ those persons best qualified to perform the functions of the Parish and to foster effective career service in Parish employment. All appointments and promotions in the departments, offices, agencies, and special districts shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

(Ord. No. OPJ-2-89, 6-20-89)

Sec. 17-45. - Department of Human Resources; Human Resources Director.

- (a) The head of the Department of Human Resources shall be the St. Bernard Parish Director of Human Resources. The Human Resources Director shall administer the personnel system of the Parish.
- (b) The Human Resources Director shall prepare personnel rules. The Appointing Authority shall refer such proposed rules to the Personnel Board which shall review the rules and report its recommendations thereon. The Governing Authority shall by regular ordinance procedure adopt the rules with or without amendment. These rules shall provide for:
 - (1) The classification of all Parish positions based upon the duties, authority, and responsibility of each position with adequate provision for reclassification of any position whenever warranted by changed circumstances;
 - (2) Policies and procedures for the administration of the classification plan;
 - (3) A pay plan for all Parish positions;
 - (4) Methods of determining merit and fitness of candidates for appointment or promotion;
 - (5) The policies and procedure regulating reduction in force and removal of employees;
 - (6) The hours of work, attendance regulations, and provisions for sick and annual leave;
 - (7) A retirement system for Parish employees which shall take into account any existing retirement system or systems;
 - (8) The policies and procedures governing persons holding provisional appointments;
 - (9) The policies and procedures governing relationships with employee organizations;
 - (10) Policies governing in-service training programs;
 - (11) Prohibition against political activity of employees and assessment for political purposes;
 - (12) Grievance procedures, including procedures for the hearing of grievances by the Personnel Board, which shall render advisory opinions based upon its findings to the Appointing Authority and Governing Authority with a copy to the aggrieved employee; and
 - (13) Other practices and procedures necessary to the administration of the Parish personnel system.
- (c) The Human Resources Director may assume other activities within the scope of this office as may be directed by the Parish President or Chief Administrative Officer.

(Ord. No. OPJ-2-89, 6-20-89)

Sec. 17-46. - Personnel excluded from classified personnel system.

The following shall not be members of the classified personnel system of the Parish:

- (1) All elected officials of the Parish Government;
- (2) Any Executives or Assistants to the Parish President.
- (3) The Chief Administrative Officer;
- (4) Department heads created by or under this Charter or continued in accordance with the provisions of this Charter;
- (5) Employees named directly by the Governing Authority;
- (6) Fire Department personnel under State Fire Civil Service;
- (7) All members of advisory boards and commissions;
- (8) All employees of intergovernmental agencies including WIA, LSU Cooperative Extension Service, District Attorney's Office, Judges Secretaries, Court Reporters and Juvenile Probation;
- (9) All employees hired on a part-time, temporary, contractual basis or any and all grant funded employees.
- (10) The director of the library and other employees of the library.

Sec. 17-47- Sec. 17-52 Reserved.

DIVISION II- PERSONNEL BOARD

Sec. 17-53. - Personnel Board duties.

The Personnel Board shall:

- (1) Serve as a review board for personnel rules as provided in Chapter 17;
- (2) Hold grievance hearings on dismissals, demotions, and other disciplinary matters as may be provided in the rules (On appeal to the Personnel Board by an employee relative to the actions of the employer, the burden of proof shall be on the employee. The decisions of the Personnel Board in these matters shall be final.);
- (3) Shall retroactively review all hires, promotions, changes to the pay scale, to ensure compliance with the procedures listed in Chapter 17; and
- (4) Perform such other duties as may be required under the rules developed pursuant to this section.

(Ord. No. OPJ-2-89, 6-20-89)

Sec. 17-54. - Personnel Board appointment.

- (a) A Personnel Board shall be appointed by the Council as provided herein and shall consist of five (5) qualified electors of St. Bernard Parish who hold no public office or position on a Parish board or commission. Two (2) members shall be appointed by the Council. One (1) member shall be appointed by the Council from a list of three (3) names submitted by the chancellor of Nunez Community College. One (1) member shall be appointed by the Council from a list of three (3) names submitted by the chairperson of the St. Bernard Parish Chamber of Commerce. One (1) member shall be appointed by the Council from a list of three (3) names submitted by the director of the St. Bernard Parish Economic Development Commission.

The Governing Authority shall make its appointment within sixty (60) days after this article takes effect. All Board members shall sit for three (3) year terms.

Should the Council fail to make an appointment from the list submitted within the allotted sixty (60) days, the first named nominee shall automatically become a member of the Personnel Board. Should the chancellor of Nunez Community College or the chairperson of the St. Bernard Parish Chamber of Commerce or the director of the St. Bernard Parish Economic Development Commission fail to make the nominations within thirty (30) days, the Council shall call a public hearing to discuss and develop the list of candidates. Whenever the term of a Board member expires or there is a vacancy in an unexpired term, the Council shall make an appointment in the same manner as that designated for that member being replaced.

A Board member shall vacate his position on the Personnel Board upon his conviction of malfeasance or if found in violation of the Louisiana Code of Governmental Ethics.

Sec. 17-55. - Organization of Personnel Board.

- (a) *Election of chairman.* At the regular meeting in November of each year, the Board shall elect one (1) of its members chairman for a term of one (1) year or until a successor is duly elected. Should the office of chairman prematurely be vacated because of death, resignation, or otherwise, the Board shall elect a successor at the meeting next following the occurrence of the vacancy.
- (b) *Rules of order.* The Board shall be bound by Robert's Rules of Order but may establish any amendment it deems appropriate.

(Ord. No. OPJ-14-19, Rule II, § 1, 6-4-91; Mo. of 6-18-91)

Sec. 17-56. - Meetings.

- (a) The Board shall hold one (1) regular meeting on the third Wednesday of each month, except when a meeting is considered unnecessary.
- (b) Special meetings may be held at times and places specified by call of any member of the Board.
- (c) The Director of Human Resources shall notify each member of the Board of the time and place of all regular meetings.

- (d) 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.
- (e) Three (3) members of the Board shall constitute a quorum for the transaction of business.
- (f) The Director of Human Resources or his/her designee shall act as secretary to the Board and shall keep adequate minutes and other records of the official actions and business of the Board. The Director shall maintain the records in his/her office.
- (g) Unless the Board specifies otherwise, its meetings shall be held at its offices, in space provided by the proper parish officials.
- (h) Meetings shall be deemed unnecessary if no official business can be conducted.

(Ord. No. OPJ-14-91, Rule II, § 3, 6-4-91; Mo. of 6-18-91)

Sec. 17-57. - Appeals.

- (a) Regular employees in the classified service shall have the right to appeal to the Board from suspension, fine, dismissal, layoff, reduction in pay, or demotion, to test the reasonableness of such action. The burden of proof on appeal, as to the facts, shall be on the employee.
- (b) Any probationary employee in the classified service who is suspended, fined, dismissed, laid off, or has suffered a reduction in pay or a demotion, shall have a right of appeal to the Board; provided that he specifically alleges that the action appealed from resulted from discrimination due to race, religion, politics, or other specified cause unrelated to merit employment considerations.
- (c) Persons who have applied for or have been examined for the classified service and who allege that they have been discriminated against due to race, religion, politics, or other specified cause unrelated to merit-employment considerations in review of their applications, admission to examinations, scoring of examinations, or certification, shall have the right to appeal to the Board.
- (d) Persons alleging discrimination under this section and subsection shall bear the burden of proof.
- (e) Appeals shall be settled in the following manner:

Step 1. If an employee chooses to file a grievance, it must be filed in writing and submitted to their immediate supervisor within ten (10) working days of the date of the action taken against them. The supervisor shall attempt to adjust the grievance at that time and render a written decision within five (5) working days.

Step 2. If the grievance is not settled at Step 1, the grievance shall be submitted within five (5) working days to the department head who shall render a written decision within ten (10) working days after the receipt of the grievance.

Step 3. If the grievance is not settled at Step 2, the grievance shall be submitted within five (5) working days to the chief administrative officer or his/her designee, who shall render a written decision within ten (10) working days after receipt of the grievance.

Step 4. If the grievance is not settled at Step 3, the employee may appeal to the Personnel Board.

- (f) In the event the grievance is the result of a termination which was approved by the Director of Human Resources and the Chief Administrative Officer, the grievant may bypass steps one (1) through three (3) above and appeal directly to the Personnel Board within (10) ten working days of notification.
- (g) Persons appealing to the Board shall do so in writing and shall specify the reasons for requesting a hearing.
- (h) Appeals to the Board must be filed with and received by the Human Resources Director, or his designee, during established department working hours within ten (10) working days after receipt of the written decision by the Chief Administrative Officer.
- (i) Within forty-five (45) calendar days after receipt of an appeal, the Board shall initiate a hearing; except that the Board shall have the discretion to continue the hearing from time to time for good cause and reason.
- (j) The Board shall decide appeals promptly, but in any event within ninety (90) calendar days after completion of a hearing.
- (k) In its decisions resulting from appeals hearings taken under this section, the Board may affirm, amend, or overturn the action from which appellant appealed; including an award of back pay and/or other benefits.

(Ord. No. OPJ-14-91, Rule II, § 4, 6-4-91; Mo. of 6-18-91; Ord. No. SBPC 578-12-03, § 1, 12-16-03)

Sec. 17-58. - Oaths, testimony, production or records and depositions.

- (a) All hearings shall be open to the public unless the session is closed by vote of the Board.
- (b) Appellants shall have the right to be represented by counsel or a representative.
 - (i) A party may be represented by an attorney licensed to practice law in Louisiana or by a law student who has satisfied the requirements of Rule 20 of the Rules of the Supreme Court of Louisiana.
- (c) Where appropriate and not inconsistent with these Rules, the rules of evidence applicable to the administrative code shall be observed in all hearings before the Personnel Board.
 - (i) Personnel Board Chairman may admit and give probative affect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law.

Personnel Board Chairman may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. It is the purpose of these rules to provide a relaxed standard of evidence and provide hearings on expedited basis.

- (d) The Personnel Board shall require the appellant to swear to all facts in his/her appeal filing.
- (e) Affidavits and other ex parte statements shall not be received in evidence without the consent of all parties. It shall be allowed to introduce prior statements made by the witness to refresh or discredit that witness.
- (f) Parties and witnesses shall be subject to cross-examination as in administrative code, and the Personnel Board, each member of the Personnel Board, may examine any witness.
- (g) The Personnel Board may require that the parties stipulate all undisputed facts.
- (h) Where appropriate and not inconsistent with these Rules, hearings and the taking of testimony shall be in accordance with the administrative code.
- (i) When a pending case involves substantially the same question of law or fact as presented in a prior case, the Personnel Board at the request of any party or on its or his own motion, may admit as evidence any part of the record in such previous case as it or he may deem relevant; provided, that in the application of this Rule no party be deprived of the right to cross-examine any adverse witness.
- (j) The Personnel Board, on request of any party, or on its or his own motion, shall order that the witnesses in any hearing be separated so as to preclude any witness, other than the parties and their attorneys, from hearing the testimony of any other witness.
- (k) The Personnel Board may fix the total time to be allowed for oral argument, according to the circumstances of each case.
- (l) On motion, the Personnel Board may take notice of the provisions of the Article, the Rules, the Classification Plan, and the Pay Plan without the necessity of an offer in evidence.
- (m) When during the course of a hearing a ruling by the Personnel Board is to be made on the evidence or procedure of the hearing, the Chairman of the Personnel Board shall rule and his ruling shall constitute that of the Personnel Board; provided, that should a member of the Personnel Board object to such ruling or offer an alternative ruling, the ruling of the Personnel Board shall be determined by majority vote of those members present.
- (n) In lieu of the issuance and service of formal subpoenas to persons who perform work for St. Bernard Parish Government, the Personnel Board may order an appointing authority to order any employee, temporary worker, or contractor under his supervision to attend and testify at any hearing, and upon being so ordered the employee shall appear at the hearing and furnish testimony.
- (o) Authentic copies of books, papers, photographs, or other items in the custody of any department, Board, or agency or any subdivision thereof which have been subpoenaed may be

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

(p) The Personnel Board or its Chairman shall have the power to order the appearance of witnesses (employees or contractors for St. Bernard Parish Government) and compel the production of books and papers pertinent to the issues involved in any appeal, provided such witnesses and such books and papers are within the State. The Personnel Board or its Chairman, shall have the power to order the appearance of witnesses and compel the production of books and papers pertinent to the issues involved in any appeal, if those documents are not in the possession of St. Bernard Parish Government, or the witness are not in the employment of St. Bernard Parish Government, the subpoena shall be served through the St. Bernard Parish Sheriff Office and/or Constable; and shall be enforced by the 34th Judicial District Court.

(q) The Personnel Board, it's Chairman, or on motion of any party, for cause deemed sufficient, may issue an appropriate order at any time recalling any subpoena, subpoena duces tecum, or request issued under the provisions of this Rule.

(r) The abuse of the privilege to require the attendance of witnesses or the production of books, papers, photographs or other items shall be deemed a violation of these Rules and shall be dealt with accordingly.

(s) The proceedings of all appeal hearings before the Personnel Board shall be recorded, but shall be transcribed only upon order of the Personnel Board or the Director of Human Resources and upon payment by the person requesting the transcript of such cost as may be determined by the Director.

(t) When an appeal is taken from any final decision of the Personnel Board, it shall require the party appealing to reimburse the Department of Human Resources for the cost of preparing transcripts of proceedings.

(u) Whenever any portion of the Personnel Board's Rules, Classification Plan, or Pay Plan is relied upon in an appeal to the Court of Appeal and is material to the decision of any issue, the portion relied upon shall be copied into the transcript prepared for the Court of Appeal, if not contained in the Personnel Board 's written opinion.

(v) No rehearing shall be granted from a final decision of the Personnel Board.

(Ord. No. OPJ-14-91, Rule II, § 5, 6-4-91; Mo. of 6-18-91)

Sec. 17-59. - Rules.

(a) *Adoption or amendment.* This article shall be adopted or amended only after a public hearing by the Board and subsequent submission of Board recommendations to an approval by the Governing Authority. The Governing Authority shall approve all rules by ordinance.

- (b) *Effective date of amendments.* Unless otherwise specifically provided, any amendment to this article shall become effective on the first day of the month following the date of approval of the amendment by the Governing Authority.
- (c) The Board shall be deemed quasi-judicial.

Sec. 17-60 Right to Judicial Appeal.

Any party, whether employee or employer, aggrieved by a decision of the Personnel Board pursuant to this chapter may appeal the determination to the Thirty-Fourth Judicial District Court (34th JDC) of the Parish of St. Bernard.

(a) Appealable orders.

- (i) A final order is appealable.

(b) Filing an appeal.

(i) An appeal shall be instituted by filing, within thirty (30) calendar days of the date the Personnel Board mailing of the Personnel Board order. A petition for appeal, shall state the reasons for the appeal and the relief requested. The petition shall also request for the Thirty-Fourth Judicial District Court for filing answers, briefs, motions (if applicable), and/or an oral argument date and time, with the clerk of the Thirty-Fourth Judicial District Court along with payment of costs required by the Clerk of Court for the filing of the appeal.

(ii) The petitioner shall request service of the petition for appeal on the Director of Human Resources through the Parish's attorney, the Personnel Board through the Chairman, and the Employee.

(iii) Upon receipt of the petition for appeal, the Personnel Board shall calculate the estimated cost for preparing the record, cost of the transcript and security and submit in writing.

(iv) Estimated costs are payable to St. Bernard Parish Government.

(v) Should the cost for preparation of the record, transcript, exceed what was paid or quoted, a letter will be mailed advising of the additional costs due.

(vi) The Personnel Board shall have the duty of preparing the record and lodging the record and transcript with the Thirty-Fourth Judicial District Court on or before the return day. Failure of the Personnel Board to prepare and lodge the record on appeal either timely or correctly shall not prejudice the appeal unless it is for failure of the petitioner to pay estimated costs.

(vii) An extension of the return day shall be for cause only and does not include petitioners' failure to pay the estimated cost of transcribing the record. If the return day is extended, notice shall be given by the Personnel Board via certified or registered mail to all parties.

(viii) Should the transcript not be ready for lodging with the record, whether for failure of petitioner to pay transcript costs or other cause, the Personnel Board shall file a notice or request for an extension of the return date advising that the record is ready for lodging except for the transcript, if requested, and the reason for not including the transcript with the record.

(ix) Petitioner is responsible for all costs associated with the appeal including the cost to file the appeal and fees required by the Clerk of Court for lodging the record which may include the transcript and the file from the original hearing.

(x) Failure of the petitioner to pay the estimated cost for preparing the record including the transcript or the difference between the estimated costs and the actual costs, within the time specified, the Personnel Board on his own motion or upon motion by the clerk or by any party, may request dismissal of the appeal and/or fines on the grounds of abandonment.

(xi) After the petition for appeal has been filed, costs paid, the record lodged and, any, pleadings or briefs filed, a hearing shall be scheduled, if requested by petitioner, and all parties notified of the date, time and place of such hearing.

(xii) All records, original and/or supplemental, prepared for filing shall be certified and dated by the clerk. The certification shall include the date any transcript was received for inclusion in the record.

(xiii) The Thirty-Fourth Judicial District Court shall not hear new testimony or accept new evidence. The Thirty-Fourth Judicial District Court shall make its decision based upon the record, provided by the Personnel Board, and oral arguments. The court shall set the matter for hearing within ten (10) days after service of the notice.

(xiv) All transcripts completed for inclusion in the record shall be dated and certified by the person who prepares them.

Sec. 17-61. - Sec. 17-65. Reserved.

ARTICLE III- CLASSIFICATION AND PAYMENT

DIVISION I- CLASSIFICATION PLAN

Sec. 17-66. - Creating classes and allocating positions.

- (a) The duties and responsibilities of each position in the classified service of the Parish shall be subject to study and review by the Director of Human Resources for purposes of classification. The position classification plan devised by the Director and approved by the Board in accordance with this article shall be maintained and administered by the Director.
- (b) Whenever, in the opinion of the Parish President, Chief Administrative Officer or Director of Human Resources, the necessity arises for establishing a new class or revising or abolishing an existing class in the classification plan, the Director shall submit such recommendation

to the Board for its approval. This section shall allow the Director to classify previously unclassified employees with the approval of the Personnel Board.

- (c) If an employee believes his position has been improperly allocated, he may protest the allocation and request a hearing. The Director of Human Resources or any person designated by him/her may hold special hearings to determine the facts of each case. The Director or any person designated by him/her may require the employee or any person to produce and present pertinent forms or documents. The Director shall make his decision on the basis of the written statements and forms presented by the employee and the facts brought out in the hearing. The employee shall have the right to appeal to the Board if dissatisfied with the action of the Director.

(Ord. No. OPJ-14-91, Rule III, § 1, 6-4-91; Mo. of 8-18-91)

Sec. 17-67. - Force and effect of classes.

- (a) The Director of Human Resources shall prepare and maintain a set of descriptive specifications for each of the classes of positions in the classification plan. The specifications, and their various parts, shall have the following force and effect.
 - (1) Use, in a class specification, of a particular expression or illustration of duties shall not be interpreted or held to exclude other duties not mentioned that are of similar kind or quality.
 - (2) In determining the class to which a position should be allocated, consideration shall be given to the general duties, authority, specific tasks, responsibilities, and qualification requirements of the position in relationship to similar considerations for positions embraced by other classes.
 - (3) Qualifications commonly required for positions of different classes, such as acceptable physical condition, authorization to work in the United States, residence within the Parish of St. Bernard (except when waived), official citizenship in St. Bernard Parish as evidenced by registered voter status (for persons over eighteen (18) years of age), honesty, sobriety, and industry, shall be deemed to be implied as qualification requirements for entrance to each class even though they are not specifically mentioned in the specifications.
 - (4) Any code number assigned to a class of positions by the department may be used in all official records of the Parish in place of the actual class title.

(Ord. No. OPJ-14-91, Rule III, § 2, 6-4-91; Mo. of 6-18-91)

Sec. 17-68. - Status of incumbent when position is reallocated.

When a position is reallocated to a higher class because of gradual change in the duties of the position, and if the Director of Human Resources deems it impracticable to hold a competitive examination to fill the position, the incumbent, if a regular employee, may continue to occupy the position under the higher classification on a regular basis provided he meets the

minimum qualifications for that position. After approval by the appointing authority, the decision of the Director shall be subject to the approval by the Personnel Board.

(Ord. No. OPJ-14-91, Rule III, § 3, 6-4-91; Mo. of 6-18-91)

Sec. 17-69- Sec. 17-74. - Reserved.

DIVISION II. - PAY PLAN

Sec. 17-75. - Applicability.

- (a) The pay of all positions in the classified service shall be determined in accordance with the pay plan in effect and in accordance with these rules, regardless of any provisions or appropriations for any different salary rate or mode of payment for any position. No person employed in a classified position shall be paid at less than the minimum rate or more than the maximum rate provided for his class of positions, except as specifically permitted elsewhere in this article, or as specifically provided in the pay plan. Subject to approval from the Chief Administrative Officer and the Director of Human Resources and certification of the availability of funds the Finance Director, the Appointing Authority may set the salary of a new hire from a rate in-between the minimum salary range (Step 1 of a class) and Step 15 of the same class based upon the candidate's relevant job experience.
- (b) All appointments in the classified service shall be made at the minimum rate or such other starting rate specifically authorized by the Appointing Authority up to Step 15 of the designated class appointed except that:
 - (1) (a) When an employee is changed from one class of work to another having a higher pay range, whether by promotion, appointment or by reallocation, he shall be granted a three (3) step increase above the nearest higher new pay step on the date of change, subject to availability of funds.

(b) When an employee is changed from one class of work to another having a higher pay range, whether by promotion, appointment or by reallocation and his salary, at the time of change, is less than the minimum pay step for the new pay range, he/she shall be granted a three (3) step increase above the nearest higher new pay step on the date of change, subject to availability of funds. If the three (3) step pay increase is more than 3% of his/her current salary, the starting pay shall be set at the minimum salary for the new pay class.
 - (2) When an employee is changed from one class of work to another having the same pay range, he shall retain his present pay rate, subject to upward or downward adjustment by separate and specific appropriate action;
 - (3) When an employee is changed from one class of work to another having a lower pay range, he shall be paid either at his present rate or the maximum rate for the lower class, whichever is lesser, subject to downward adjustment by separate and specific appropriate action;

- (4) When a former employee is reinstated or reemployed, he shall be paid at his former pay rate if it is within the same classification and within the appropriate current pay range.
- (c) Whenever existing occupied positions, not previously within the classified service, are brought within the service, the salaries of incumbent employees shall be determined as follows:
 - (1) Any employee whose rate of pay is below the minimum rate established for the appropriate class of work shall have his pay increased to the minimum rate.
 - (2) Any employee whose rate of pay exceeds the maximum rate established for the appropriate class of work shall not be required to suffer a salary reduction, but shall be redlined.
- (d) Whenever part-time service is rendered, the appropriate pay rate shall be determined in accordance with the basic weekly hours set for the classes of work involved and by reference to the table of hourly equivalents which is a part of the pay plan.
- (e) Whenever the pay plan is amended to set a higher pay range for any class or classes of work, with the express approval of the Personnel Board, additional "across the board" pay increases may be granted to employees occupying positions in the class or classes affected to such extent as the Personnel Board may think desirable in order to maintain an equitable balance between employees provided, however, that under no condition may an employee's salary be advanced beyond the maximum rate of pay fixed for his class of work, except in the case of a cost of living adjustment granted by the Personnel Board.

(Ord. No. OPJ-14-91, Rule IV, § 1, 6-4-91; Mo. of 6-18-91)

Sec. 17-76. - Pay increases.

- (a) An employee entering into the classified Parish service shall be hired at the minimum rate prescribed for the class of work in which employed, exceptions being permitted for years of experience up to Step 15 of the St. Bernard Parish pay scale.
- (b) An employee entering into or promoted within the classified Parish service at the prescribed minimum rate or at any authorized starting rate within the range, **on or before June 30th**, shall be granted a one-step pay increase to be paid at the beginning of the next calendar year. For **employees hired July 1 or later**, they will receive a one-step increase no earlier than the beginning of the second year.
- (c) Employees shall be considered for an annual pay raise, up to one-step in the appropriate range on his/her eligibility date. If approved, this shall be effective on the first day of the pay period immediately following the beginning of the next calendar year. Subject to fund-wide or district-wide budgetary restrictions, an increase may be granted, based on the employee's annual performance evaluation.

- (e) The pay raise eligibility date shall not be changed by virtue of promotion, leave of absence, reinstatement or reemployment with regular status, adoption of new pay ranges, the granting of "additional" pay raises, and/or other similar considerations.
- (f) Since the implementation of the orderly pay raise policy set forth in subsection (b) above, presupposes the satisfactory work performance, it is obvious that the granting of the pay increases permitted under that section is not mandatory.
- (g) An employee who fails to appeal timely under this division shall have no further recourse.
- (h) The salaries of all unclassified employees, with the exception of directors outlined in the Home Rule Charter, Clerk of Council and Executive Assistants to the Parish President, will be subject to the rules of "Division II- Pay Plan" Sections 17-75 through 17-82 of the Personnel Plan. However, unclassified employees do not fall under the other sections of the classified employees' personnel plan.
- (i) Longevity pay – Employees reaching the 15th, 20th and 25th year anniversary dates shall be given longevity pay at a rate of equal to their step plus \$500 annually for 15 years of service, \$750 annually for 20 years of service, \$1,000 annually for 25 years of service to be given January 1 of the following calendar year. Longevity pay remains the same until the next milestone anniversary date is met. (i.e. Years 15-19 = \$500 added to pay step.)
- (j) Promotions based on certification, license or education will only be done once in a 12 month period. An example is an employee who receives an approved certification will be moved up in job classification once in a 12 month period. An exception to this provision is if there is a specific need or shortage in a position that must be filled prior to the 12 month anniversary. All certifications, license or education must be pre-approved by the department Director and/or Personnel Director and the Chief Administrative Officer.
- (k) Working out of Classification - Job descriptions shall be used to outline general job duties, except when working in a higher classification during bona fide emergency situations affecting the safety and health of the citizens, the operations of Parish Government or when there is an immediate need to temporarily fill an unoccupied position. Employees who are assigned to perform work in a higher classification for *Twenty (20) or more* consecutive work days shall be paid the higher rate of pay for the number of days worked in the higher classification. Working out of classification must have the prior approval of the department Director and/or Personnel Director and the Chief Administrative Officer. Once the employee is no longer working out of their job classification, he/she will revert back to their regular rate of pay at the rate paid prior to working out of classification.

(Ord. No. OPJ-14-91, Rule IV, § 2, 6-4-91; Mo. of 6-18-91; Ord. No. SBPC 480-12-00, § I, 12-19-00)

Sec. 17-77. - Reserved.

Sec. 17-78. - Merit increase.

- (a) All employees of St. Bernard Parish Government may be eligible for a merit increase. To be eligible for such a merit raise, an employee must have at least one (1) full year of service. A

merit increase is limited to a "one-step" increase in a five year period. An employee receiving a merit step increase will also be entitled to his annual pay grade step. Merit raises shall be done at the beginning of the calendar year along with the annual step increases. This increase shall be determined by competitive annual evaluations administrated by the Chief Administrative Officer or his/her designee, immediate supervisor and/or the Director of Human Resources. All evaluations shall be in writing, dated, and signed by the evaluators. All evaluations shall then be forwarded to the Personnel Board for approval. Any increases determined by the evaluations shall not be mandatory, but shall be subject to the availability of funds. Merit raises shall not be considered until after one full year after the adoption of this plan.

Sec. 17-79. - Pay reductions.

- (a) The Appointing Authority may reduce an employee's pay rate for cause; provided, however, in no case may be less than the established minimum rate.
- (b) When an employee is demoted to a position in a class of work having a maximum salary rate which is lower than the employee's current pay rate, the employee's pay must be reduced to the maximum rate provided in the new pay grade.

(Ord. No. OPJ-14-91, Rule IV, § 3, 6-4-91; Mo. of 6-18-91)

Sec. 17-80. - Overtime pay.

- (a) Overtime pay for Parish employees must be approved by the Chief Administrative Officer.
- (b) Based on the needs of the service, an employee may be required or authorized by appropriate supervisory authority to work at any time when he would not normally be scheduled for duty. Whenever such work is required or authorized, the employee shall be compensated for all such work by monetary payment as hereinafter set forth or, in lieu thereof, by compensatory time off under the conditions set forth in the Federal Fair Labor Standards Act. This includes all Salaried Non-Exempt and Hourly Employees.
- (c) No overtime work shall be performed without proper supervisory authority and/or approval.
- (d) Overtime pay provisions shall not routinely apply to classes of work designated as salaried exempt in the pay plan. It is expected that employees in the "exempt" classes will work whatever hours are required to satisfy the needs of the service. However, whenever it is deemed justified, an appointing authority may authorize overtime pay for salaried-exempt employees.
- (e) Compensation shall be paid at a straight time rate of pay for any and all work required and/or authorized in excess of thirty-five (35) and up to forty (40) hours in any one work week.
- (f) Overtime compensation shall be paid at a rate of one-and-one-half (1½) times the regular hourly compensation for any and all work required and/or authorized in excess of forty (40) hours in any one (1) work week.

- (g) Absence from work by reason of any form of authorized leave with pay and holidays with pay shall not be considered as time worked for purposes of overtime pay eligibility determinations.
- (h) Absence from work while on leave of absence without pay is not considered as time worked for purposes of overtime pay eligibility determinations.
- (i) Overtime work on one day shall not relieve an employee of the responsibility to report to work at the regularly scheduled time on the next ensuing day.
- (j) Whenever an employee works on one of the holidays granted by Section 17-156, or any part of such holidays, the employee shall be paid two (2) times the employee's regular hourly rate.
- (k) Weekly overtime pay shall be computed to the nearest one- quarter hour.
- (l) Whenever an employee is required to report for call-back duty outside of his/her regularly assigned shift, he or she shall be compensated in increments of at least four (4) hours. For example, if an employee works less than four (4) hours, he or she will be compensated four (4) hours. If he/she works more than four (4) hours but less than eight (8) hours, he/she will be compensated for eight (8) hours. If he/she works exactly four (4) hours or exactly eight (8) hours, he/she will be compensated four (4) hours or eight (8) hours respectively.
- (m) Special terms of work may be specified in the pay plan for certain classes of work but in every such case, the terms of work and the base pay rates therefor shall be equated with base hours of work designated in the pay plan.
- (n) On-Call Monitoring – All employees who are required to perform on-call monitoring duty shall receive ten (10) hours per week guaranteed pay. If an employee on monitoring duty does not report for required call-out during that assigned period, the ten (10) hours of guaranteed pay will not be granted. The employee will be paid for actual time worked. Once an employees' monitoring duty hours are more than ten (10) hours per week, payment for additional call out hours will be added to the ten (10) hours at the appropriate overtime rate.

(Ord. No. OPJ-14-91, Rule IV, § 4, 6-4-91; Mo. of 6-18-91; Ord. No. SBPC-666-09-06, § 1, 9-5-06)

Sec. 17-81. - Maintenance and allowance.

- (a) Allowance provided in addition to cash salary shall be considered as part payment of the salary due the recipient under the salary plan for his class of position, and their cash value, as appraised by the Chief Administrative Officer, shall be taken into account in computing the salary for purposes of the salary plan.
- (b) Examples of such allowances are: meals, lodging, living quarters, laundry, and maintenance provided for others on behalf of an employee.

- (c) Reimbursement of actual and necessary expenses authorized or incurred as incidents to employment shall not be considered as deductible allowances; contributions or payments made by the parish for the purpose of providing group insurance and/or retirement benefits shall not be considered as deductible allowances.

(Ord. No. OPJ-14-91, Rule IV, § 5, 6-4-91; Mo. of 6-18-91)

Sec. 17-82 Hours of Operation.

All employees (classified, unclassified, salaried exempt, salaried non-exempt and hourly) shall work a minimum of thirty five (35) or forty (40) hours a week, depending on their classification. Any deviation from this schedule shall be approved by the Chief Administrative Officer or the Director of Human Resources.

Sec. 17-83 - Sec. 17-87. - Reserved.

DIVISION III. - RETIREMENT AND PENSION SYSTEM

Sec. 17-88. - Established; incorporated by reference.

The Parochial Employee's Retirement System of Louisiana (Plan A) and any other retirement system already established, and the rights and benefits of employees provided thereunder, are hereby recognized.

The employees retirement system of St. Bernard Parish, Louisiana, and all the rights and benefits of employees and their beneficiaries provided thereunder as set forth in this article is hereby established and recognized, and by reference, is incorporated in and made a part of this article.

(Ord. No. OPJ-14-91, Rule V, § 2, 6-4-91; Mo. of 6-18-91)

Sec. 17-89. - Sick and annual leave upon retirement

Upon application for retirement by an employee who has served the Parish for seven (7) Years or more, the Director of Human Resources shall authorize paid terminal leave in the amount of that accrued of up to twenty-five (25) days of sick and total accumulated annual leave days credited to the employee. Employees shall be given the option to apply any excess earned sick leave to service time, in accordance with Parochial Employers' Retirement System of Louisiana rules and regulations.

Sec. 17-90 - Sec. 17-95. - Reserved.

ARTICLE IV- NEW HIRES

DIVISION I- FILLING VACANCIES

Sec. 17-96. - Established.

The Human Resource Director shall establish, operate, and administer policies, methods, and procedures for holding competitive reviews to determine the merit and fitness of candidates for original appointment and promotion in the parish service.

(Ord. No. OPJ-14-91, Rule VI, § 1, 6-4-91; Mo. of 6-18-91)

Sec. 17-97. - Vacancies.

- (a) The director of a department or the Chief Administrative Officer who requires a vacant position in the personnel system to be filled shall submit to the Human Resources Director a statement showing the position to be filled, the class of the position, and the duties thereof. The Director of a department or the Chief Administrative Officer may also specify the necessary and desirable qualifications of the person to be appointed to the vacancy.
- (b) The directors of the departments or the Chief Administrative Officer insofar as practicable, shall anticipate each vacancy sufficiently in advance of its occurrence to permit the Human Resources Director to determine who may be available for appointment, and, if necessary, to prepare a class specification.

Sec. 17-98. - Vacancies considered filled.

- (a) Vacant positions in the classified service may be filled by demotion, transfer, promotion, reinstatement or reemployment, original employment, or temporary employment.
- (b) A vacancy shall be considered filled under any of the methods specified, and employment thereunder shall be considered effective, as of the date on which the employee enters on the duties of the position, in accordance with this article.
- (c) A vacancy shall not be advertised or filled until the director of the Finance Department has certified, in writing, that funds are available for the position within the department.

Sec. 17-99. - Public Notice

The Director of Human Resources shall advertise all positions to be filled for a minimum of two weeks by public notice on the official St. Bernard Parish Government website or in the official journal for St. Bernard.

Sec. 17-100. – Appointing Panel.

- (a) Upon receipt of a director's approved request to fill a position in their department, other than by demotion, transfer or reinstatement, the Director of Human Resources shall institute an appointing panel. The appointing panel shall interview, grade, rank, and where practical test all potential hires.
- (b) The appointing panel shall select the three highest scoring candidates and submit the list to the Director of Human Resources for certification.
- (c) To assist in the evaluation of candidates for positions of high responsibility or positions requiring unusual qualities or qualifications, the Director of Human Resources may retain

the services of persons from within or without the Parish who, because of their experience or for other reasons, have special acquaintance with the requisites for such positions.

(Ord. No. OPJ-14-91, Rule VI, § 2, 6-4-91; Mo. of 6-18-91)

Sec. 17-101. - Admission to evaluations.

- (a) Admission to evaluations held by and under the authority of the Department of Human Resources shall not be restricted by reason of race, religion, age, politics, sex, or national origin.
- (b) The Director of Human Resources shall fix requirements of training, residence, age, health, skill, education, and other qualifications for admission to evaluations. Unless otherwise specified on the official announcement, such qualifications must be possessed by any applicant by the final filing date for each evaluation period.

Sec. 17-102. - Disqualification from evaluations

- (1) Subject to this article, the Director of Human Resources shall reject the application of any person for admission to any test of fitness, or refuse to evaluate any applicant who:
 - a. Is found to lack any of the qualifications prescribed as requirements for admission to the tests for the class for which he has applied;
 - b. Because of character, reputation, arrest record, criminal record, or employment history the Director of Human Resources deems unfit for employment in the class of work applied for;
 - c. Is physically or mentally unfit to perform efficiently and effectively the duties of a position of the class;
 - d. Is found to use drugs or intoxicating liquors to excess;
 - e. Has practiced or attempted to practice deception or fraud in any application, or any test, or otherwise, in securing eligibility for appointment or attempting to do so.
- (2) Any of the conditions enumerated in subsection (1) above which are found to be applicable to any employee in the classified service shall result in the immediate dismissal of such employee.
- (3) The close of business on the date announced in the public notice shall be the time fixed for closing receipt of applications. Applications received in the Department of Human Resources after this time shall be rejected.

(Ord. No. OPJ-14-91, Rule VI, § 3, 6-4-91; 6-18-91)

Sec. 17- 103.-Certification of eligible

- (a) The appointing panel shall select the three highest scoring candidates and submit the list to the Director of Human resources. The Director shall certify to the list to the Appointing Authority three persons eligible for appointment in the class of the vacant position. If more than one (1) vacancy is to be filled, the name of one (1) additional eligible shall be certified for each additional vacancy. In case of demotion, transfer or reinstatement, the Director shall approve or disapprove the name of the person submitted by the Appointing Authority.
- (b) If the "Certificate of Eligible" does not contain a sufficient number of names who are eligible and willing to accept appointment to make possible the certification of three (3) eligible, the names of all eligible on the appropriate lists who are willing to accept appointment shall be certified.
- (c) 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, the Director of Human Resources may authorize him to make a provisional appointment.

(Ord. No. OPJ-14-91, Rule VII, § 3, 6-4-91; Mo. of 6-18-91)

Sec. 17-104 - Reserved.

Sec. 17-105. - Results of evaluation.

- (a) The Director of Human Resources shall keep the papers, test forms, and other documents of candidates for evaluation available for their inspection for a period of thirty (30) calendar days after the date of notification of results. Persons requesting an opportunity to inspect their evaluation or other documents shall arrange for an appointment in the manner and on the forms prescribed by the Director.
- (b) At his/her discretion, the Director of Human Resource may permit the extension of the period during which papers may be examined, but in no event shall he permit the inspection of test papers between the time of announcement and the time of holding another test for a similar position.
- (c) A manifest error in calculation of rating shall be corrected if called to the attention of the Director of Human Resources within one (1) calendar month after the establishment of the list. However, any appointment previously made from such a list shall not be invalidated by such a correction.

(Ord. No. OPJ-14-91, Rule VI, § 5, 6-4-91; Mo. 6-18-91)

Sec. 17-106. - Postponement and cancellation of evaluations.

Should an insufficient number of qualified candidates apply for a position the Director of Human Resources may postpone the final filing date, or cancel the advertisement, or any of the parts thereof, and shall, in each such case, give suitable notice of the action to the applicants.

(Ord. No. OPJ-14-91, Rule VI, § 7, 6-4-91; Mo. of 6-18-91)

Sec. 17-107 - Sec. 17-108 Reserved.

Sec. 17-109. - Conditional and temporary appointments.

- (a) When a position is temporarily vacated because the incumbent is on authorized leave of absence without pay for more than three (3) months, and the Appointing Authority desires to fill the position for the duration of the leave, he must do so by making a conditional appointment in accordance with the provisions of this division. If an employee is appointed to fill the position of a classified employee on leave of absence, he shall vacate the position when the employee on leave of absence returns. If the employee was appointed on a conditional basis by demotion, transfer, or promotion, he shall be reinstated in his former position when the employee on leave of absence returns.
- (b) If the employee was appointed on a conditional basis through certification from an appointing authority, he shall retain all rights he may have acquired by virtue of his service under the conditional appointment. He shall also be subject to all other provisions of this article not inconsistent with this subsection.
- (c) *Limited terms.* Whenever the services of an extra employee is needed in any position in the classified service for a limited period of time, at the discretion of the Director of Human Resources, the names of those eligible who are willing to accept appointment may be certified. In each case of acceptance of appointment, such appointment shall become effective as of the approved date and the vacancy shall be considered filled.
- (d) Temporary appointments to positions in the classified service may be made for a limited period without compliance with provisions of this section requiring certification as follows:
 - (1) *Provisional appointments.* When a vacancy is to be filled in a position of a class for which there are not any eligible names available for certification, the appointing authority, with the prior approval of the Director of Human Resources, may make a provisional appointment. Such appointment shall be made only after submission of the name and qualifications of the intended appointee to the Director and such individual is approved for appointment.
 - (2) *Transient appointments.* Whenever the services of an extra or substitute employee are needed in any position in the classified service for a period of less than three (3) months, the appointing authority, with the prior approval of the Director of Human Resources, may make a transient appointment of any person he deems qualified to serve for the period required.
 - (3) *Emergency appointments.* When an emergency situation requires that a position be filled before appointment can be made under any other provision of this article, an Appointing Authority may grant an emergency appointment to any available person to serve until the position involved can otherwise be filled under the provisions of this article. No emergency appointment shall continue for more than ten (10) working days in any case, or be renewed for any further period beyond that limit. The authority for any emergency appointment is conditioned upon a prompt report thereof to the Director of Human Resources, at the time the appointment is made.

- (e) A provisional appointment shall terminate upon the regular filling of the vacancy in any manner authorized under this article.
- (f) In any case in which a provisional appointment remains in effect for one (1) year, the Director of Human Resources shall make a report to the Board which shall include: The efforts made by the Human Resources Department to recruit applicants, a statement from the Appointing Authority of his assessment of the employee's on-the-job ability and acceptability, and a recommendation by the Director that the provisional appointment either be extended or that the employee be granted permanent status. Based upon the information furnished, the Board shall either order the appointment extended, or grant permanent status to the incumbent employee.

(Ord. No. OPJ-14-91, Rule VII, § 5, 6-4-91; Mo. of 6-18-91)

Sec. 17-110. - Transfers

An employee may be transferred from any position in the classified service to any other position of the same class or to a position of any other class for which no additional or different qualifications are prescribed for original entrance, on recommendation of the Appointing Authority. However, no employee shall be transferred from a position in one organization unit to a position in another unit without the consent of the Appointing Authority of both units concerned. No employee shall be transferred from a position in one class to a position in another class having a higher maximum salary. Any change of employee from a position in one class to a position in a class having a lower maximum salary shall be considered a demotion.

(Ord. No. OPJ-14-91, Rule VII, § 1, 6-4-91; Mo. of 6-18-91)

Sec. 17-111.—17-116. - Reserved.

DIVISION II. – PROBATIONARY PERIOD

Sec. 17-117. - Employees to serve probationary periods.

- (a) Every person appointed to a position in the classified service by certification or a promotion shall serve a probationary period while occupying the position. At any time up to six (6) months after the hire date the appointing authority may remove an employee for either of the following reasons:
 - (1) The probationary period indicated that the employee is unable or unwilling to perform his duties satisfactorily; or
 - (2) The probationary period indicated that the employee's habits or lack of dependability do not merit his continuance in the service.
- (b) Upon removing an employee, the Appointing Authority shall inform the Director of Human Resources and the employee forthwith, in writing, of the fact and the reason for his action.
- (c) The Appointing Authority may remove an employee within the first six (6) months of his probationary period only with the approval of the Director of Human Resources.

- (d) The Director of Human Resources, with approval of the Appointing Authority, may remove an employee at any time during the latter's probationary period if he finds, after giving the employee notice and an opportunity to be heard, that the employee was appointed as a result of fraud or error.
- (e) Unless otherwise stated to be of a longer duration at the time of announcement of evaluations for a class of positions, the probationary period shall be six (6) months.
- (f) *Extension of time.* Not later than ten (10) work days prior to the expiration of a probationary period, an Appointing Authority may request the Director of Human Resources to extend the duration of the probation; provided that at the time of the announcement the employee was notified that an extension might be required.
- (g) The Appointing Authority shall submit the request in writing and, at the time of submission, send a copy to the employee. No extension shall be allowed which would cause the probationary period to be longer than one (1) year.
- (h) Failure by the Appointing Authority to give the ten (10) days notice to the Director of Human Resources and a copy thereof to the employee shall have the same force and effect as a satisfactory report.
- (i) If the Director of Human Resources determines that an employee who has been removed from his position during or at the end of his probation period is suitable for appointment to another position, he may restore the employee's name to the list from which it was certified. If the employee was a regular employee in another position in the classified service immediately prior to his appointment to the position from which he was removed, he may be eligible for reemployment upon the next evaluation for the class of positions in which he was a regular employee. If the employee received his/her position due to a promotion and is removed from the promoted position the employee shall receive his/her previous position in the classified system. The probationary employee, whose position was refilled, shall be released unless there is another position in the same class available.

(Ord. No. OPJ-14-91, Rule VIII, § 1, 6-4-91; Mo. of 6-18-91)

Sec. 17-118. - Interruption of the probationary period.

- (a) If an employee is laid off during a probationary period and subsequently is reappointed by the Appointing Authority, he shall be given credit for the portion of the probationary period completed before he was laid off.
- (b) If an employee is transferred during his probationary period, the Appointing Authority may permit the employee to receive credit for the portion of the probationary period previously completed.
- (c) If an employee is placed on military leave without pay while serving his probationary period, he/she shall be given credit for the portion of the probationary period completed before being placed on such leave.

- (d) If an employee is appointed to a higher position in a like classification of work before completion of his probationary period in a lower position, he shall be given credit for the uncompleted portion of the probationary period if he remains in the higher position during a period equivalent to the unfinished portion of the probationary period served in the lower position.
- (e) If an employee resigns while serving a probationary period, he may be reinstated within a period of two (2) years from the date of his separation to a position in the same class from which he was separated.
- (f) The Appointing Authority may, at their discretion, permit credit to be granted an employee for the portion of a probationary period previously served.

(Ord. No. OPJ-14-91, Rule VIII, § 2, 6-4-91; Mo. of 6-18-91)

Sec. 17-119. - Recognition of provisional service.

- (a) In the case of an employee who was hired under provisional appointment, and who subsequently qualifies for and is appointed to the same position on a regular basis, without interruption of employment, credit toward completion of the required probationary period shall be given for all service previously rendered under the preceding provisional appointment.
- (b) Credit toward completion of a probationary period may be granted for provisional service other than that described in subsection (a) herein, upon recommendation of the Appointing Authority and with the approval of the Director of Human Resources.

(Ord. No. OPJ-14-91, Rule VIII, § 3, 6-4-91; Mo. 6-18-91)

ARTICLE V- DISCIPLINARY ACTIONS

Sec. 17-120. - Maintaining standards of service.

- (a) When a 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 neglected to perform any act it was his duty to perform, or otherwise has become subject to corrective action, the Appointing Authority shall take action warranted by the circumstances in order to maintain standards of effective service.

Action by the Appointing Authority may extend to:

- (1) Removal from the service;
- (2) Reduction in pay to the next lower rate in the pay range for the employee's class of positions;
- (3) Demotion to any position of a lower class that the Appointing Authority and the Director of Human Resources deem the employee is competent to fill;

- (4) Suspension without pay, not exceeding in the aggregate ninety (90) days in any period of twelve (12) consecutive calendar months.
 - (5) Reprimand or other less drastic measures of discipline which the appointing authority considers proper.
- (b) *Grounds for disciplinary action.* These are examples of misconduct and in no way are all inclusive.
- (1) Being tardy or absent without authorization.
 - (2) Engaging in horseplay, scuffling, etc.
 - (3) Performing work without authorization of the supervisor.
 - (4) Causing loss of material due to carelessness.
 - (5) Wasting time.
 - (6) Leaving place of work without permission.
 - (7) Gambling during working hours.
 - (8) Violating a safety regulation.
 - (9) Carelessness affecting personal safety and/or safety of others.
 - (10) Threatening, intimidating, coercing, or interfering with fellow employees.
 - (11) Soliciting contributions without approval of the Parish President while on Parish time or premises.
 - (12) Distributing printed material without approval of the Parish President while on Parish time or premises.
 - (13) Making false, vicious, or malicious statements.
 - (14) Failure to follow job instructions.
 - (15) Misusing, destroying, or damaging property.
 - (16) Fighting or provoking or instigating a fight.
 - (17) Reporting for work under the influence of alcohol or drugs or use of such while at work.
 - (18) Sleeping on the job.
 - (19) Insubordination.

- (20) Falsifying records.
 - (21) Theft.
 - (22) Drinking any alcoholic beverage on the job.
 - (23) Engaging in sabotage.
 - (24) Immoral conduct or indecency including use of profane or vulgar language.
 - (25) Possession of weapons and firearms on Parish premises or property.
 - (26) Possession of non-prescriptive controlled dangerous substances on St. Bernard Parish Government property.
 - (27) Any other just cause to the prejudice of the service.
- (c) In every case of dismissal, suspension, reduction in pay, involuntary retirement, or demotion of an employee in the classified service, the Appointing Authority responsible for the action shall furnish to the employee involved a written statement of the reasons therefor. The written notice shall also inform the employee of his rights to utilize the grievance procedure within ten (10) working days of the date of the action taken against him, of the address of the Department of Human Resources, and of the fact that forms to assist in the filing of a grievance may be obtained from the Department of Human Resources. In addition, the Appointing Authority shall forward to the Director of Human Resources, a copy of the notification sent to the employee. In any case of alleged inability to furnish the required written notice to a disciplined employee, the Personnel Board may require evidence and shall be the sole judge of the sufficiency and timeliness of the effort. The Human Resources Director may review any case of disciplinary action taken against a classified employee and may, on his own initiative, immediately investigate the circumstance.
- (d) The prohibition contained in 17-120(b) (25) shall not apply to commissioned law enforcement officers, as approved by the Director of Human Resources.

Sec. 17- 121. - Disciplinary procedure

- (a) If an employee is not meeting Parish standards of behavior or performance, the employee's supervisor should take the following action:
- (1) Meet with the employee to discuss the matter;
 - (2) Inform the employee of the nature of the problem and the action necessary to correct it;
 - (3) Consult with the Director of Human Resources;
 - (4) Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place and the reason for the meeting; and

- (5) Have the employee sign the memorandum, warning, or if deemed appropriate an adverse action of reprimand, suspension or termination. Refusal of the employee to sign any documentation shall not prohibit disciplinary action.
- (b) If there is a second occurrence, the supervisor should hold another meeting with the employee and take the following formal disciplinary action:
 - (1) Issue a written reprimand to the employee;
 - (2) Have employee sign reprimand;
 - (3) Warn the employee that a third incident will result in more severe disciplinary action; and
 - (4) Prepare and forward to the Director of Human Resources, a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee.
- (c) If there are additional occurrences, the supervisor should continue the formal disciplinary procedure and take the following action:
 - (1) Issue a written reprimand or warning;
 - (2) Have employee sign reprimand; and
 - (3) Recommend suspension of the employee without pay for up to five (5) working days; or
 - (4) Recommend suspension of the employee indefinitely and recommend termination.
 - (5) Prepare and forward to the Director of Human Resources a written report describing the occurrences, indicating the time between the occurrences and summarizing the action taken or recommended and its jurisdiction.
- (d) The progressive disciplinary procedures described in this section may be applied to an employee who is experiencing a series of unrelated problems involving job performance and/or behavior.
- (e) In cases involving serious misconduct, such as a violation of law, the procedures outlined in this section may be disregarded. The supervisor should recommend suspension of the employee immediately, and if appropriate, recommend termination of the employee.
- (f) If a supervisor recommends and makes a written report to the Chief Administrative Officer that an employee's service be terminated, a complete investigation of the situation should be conducted before the termination decision is made. The Chief Administrative Officer shall approve all terminations or suspensions that last longer than one working day.

- (g) Employees who believe they have been disciplined too severely or without good cause are encouraged to utilize the grievance procedure as outlined in Article II, Division II, Section 17-57.

(Ord. No. OPJ-14-91, Rule X, § 1, 6-4-91; Mo. of 6-18-91; Ord. No. SBPC 578-12-03, § 1, 12-16-03)

Sec. 17-122 - Sec.17-127. - Reserved.

ARTICLE VI- SERVICE RATINGS

Sec. 17-128. - Administration.

- (a) A uniform service rating system shall be established for all departments, which shall provide for evaluation of each employee's on-the-job performance. The Director of Human Resources shall prescribe the form on which service ratings are to be made, and the Appointing Authority shall use the prescribed form in accordance with these rules and the instructions furnished by the Director of Human Resources.
- (b) Each employee serving in a probationary period shall be rated at least once during the probationary period. The rating may be made at any time deemed most appropriate by the Appointing Authority; but preferably in conjunction with consideration of granting employee regular status. An employee rated unsatisfactory during probation shall not be granted regular civil service status until and unless a rerating of satisfactory is made.
- (c) Each employee serving in a regular status civil service appointment shall be rated at least once in each calendar year, in conjunction with consideration of the employee's annual pay raise eligibility. An employee rated unsatisfactory shall not be eligible for a pay raise until and unless a rerating of satisfactory is made. The overall rating (satisfactory or unsatisfactory) shall be indicated on the pay raise form.
- (d) The basic service rating of each employee shall be made by the employee's immediate supervisor and shall be reviewed by the Appointing Authority or his designated agent. The Appointing Authority or such designee shall assign the overall rating. Both the rater and reviewer shall sign the rating form.
- (e) Discussion of a rating with the employee is mandatory if the rating is unsatisfactory in any category, or if the employee is on probation. Discussion of satisfactory ratings of regular status employees is not required, but is preferable if comments are made on the rating form. In any case, the employee shall be notified of the rating assigned to him/her. In the case of a satisfactory rating resulting in a pay raise, acceptable notice may consist of a copy of the approved pay raise form delivered to the employee.
- (f) Service ratings are management judgments by appropriate supervisory authority and are not appealable to the Personnel Board until and unless they result in some form of appealable disciplinary action specified elsewhere in this article. Any employee who has been rated unsatisfactory shall be rerated not sooner than two (2) months or later than six (6) months after the effective date of the unsatisfactory rating. If the rerating is

unsatisfactory, it shall be the duty of the Appointing Authority to reassign, demote, or dismiss the unsatisfactory employee.

- (g) Each employee service rating shall be retained in the files maintained by the Director of Human Resources.
- (h) In any case in which a service rating is not made as provided hereinabove, a satisfactory rating shall be assumed.

(Ord. No. OPJ-14-91, Rule XII, § 1, 6-4-91; Mo. of 6-18-91)

Sec. 17-129- Sec. 17-134. - Reserved.

ARTICLE VII- LAYOFFS

Sec. 17-135. -Reserve.

(Ord. No. OPJ-14-91, Rule XIII, § 1, 6-4-91; Mo. of 6-18-91)

Sec. 17-136. - Designation of classes and organization units affected.

The Appointing Authority having jurisdiction over the organization unit affected, or his authorized representative, shall designate the class to be reduced. The class thus designated shall include all the employees in the organizational unit who are currently employed in the class or who are on authorized leave from positions in that class; provided that where the organizational structure warrants limiting layoffs to a unit smaller than a department. The Appointing Authority may divide the department into functional units for the purpose of limiting the number of employees potentially affected by any reduction in personnel.

(Ord. No. OPJ-14-91, Rule XIII, § 2, 6-4-91; Mo. of 6-18-91)

Sec. 17-137. - Succession of layoffs.

- (a) When employees in a designated class in an organization unit are to be laid off, the order of layoff shall be determined in the following order of succession:
 - (1) Probationary employees in permanent positions; and
 - (2) Regular employees, in the manner hereinafter specified.
- (b) Should it become necessary to lay off regular employees in an organization unit, an order-of-layoff list for each class involved in the organization unit shall be established in the following manner:
 - (1) Regular employees shall be laid off in the inverse order of seniority within the class or in a higher class of the same kind of work.
 - (2) When an appointing authority feels that an employee is essential to the efficient operation of the organization unit because of special skills, abilities, licenses, certifications, and/or education and he wishes to retain that employee, preference to

a person of greater seniority, he must submit a written request to the Director of Human Resources for permission to do so. The request must set forth in detail the specific skills and abilities possessed by the individual and the reasons why such individual is essential to the effective operation of the department or organization unit. If the Director approves the request, the specified individual may be retained in spite of a lack of seniority.

- (c) Seniority of regular employees in the class involved in the organization unit affected by a contemplated layoff shall be computed as follows:
 - (1) By the total length of continuous employment under a regular appointment with the Parish;
 - (2) By the total length of continuous employment under a regular appointment plus the total length of prior interrupted service under a regular appointment occasioned by a layoff, providing the break in service occasioned by such layoff is not greater than thirty-six (36) months;
 - (3) From the date of reentry into Parish employment by a regular employee who was separated from the Parish service by resignation; provided, however, that half credit shall be allowed for prior service under a regular appointment with the parish in excess of forty-eight (48) months, if the break in service occasioned by resignation does not exceed thirty-six (36) months;
 - (4) From the date of reentry into Parish employment by an employee who was separated from the service for cause and subsequently rehired.
- (d) In the event two (2) or more regular employees have like seniority, the employee entitled to preferential treatment as an honorably discharged member of the Armed Forces or entitled to preferential treatment as a dependent of a former member of the Armed Forces, shall be laid off last. When two (2) or more regular employees have like seniority and all or none are entitled to preferential treatment, the Appointing Authority shall have the discretion in determining which employee or employees shall be laid off first.
- (e) Should a regular employee have the least seniority in the class in which a layoff is contemplated but have more seniority in a lower class of the same kind of work in the organization unit, he shall be demoted to the lower class and an employee in the lower class shall be demoted or laid off in accordance with this rule.
- (f) Should a probationary or regular employee be scheduled for layoff in one department while a provisional employee holds a position of the same class in another department, the Director of Human Resources shall arrange a transfer of the probationary or regular employee to the position held by the provisional.

(Ord. No. OPJ-14-91, Rule XIII, § 3, 6-4-91; Mo. of 6-18-91)

Sec. 17-138. - Procedure.

- (a) With reference to any proposed layoff, the names and job titles of any and all probationary or regular employees scheduled for layoff shall be submitted to the Director of Human Resources for approval. However, no layoff shall be effective until the Director has approved the names submitted for layoff.
- (b) Employees shall be sent to the Department of Human Resources for an exit interview prior to layoff.
- (c) When laid off, employees must be paid their accumulated annual leave before separation from the service.
- (d) If a laid off employee is rehired within a 24 month period, they shall be credited their remaining accumulated sick leave upon reemployment. Their total, creditable years of service shall be used to calculate and determine their annual leave. In order to be given credit for sick and annual leave upon reemployment, the employee must not have withdrawn from the Parish Government's retirement system.
- (e) Regular employees and probationary employees shall be given written notice of their layoff.

(Ord. No. OPJ-14-91, Rule XIII, § 4, 6-4-91; Mo. of 6-18-91)

ARTICLE VIII- HOURS OF WORK, LEAVES OF ABSENCE, AND ABSENCE WITHOUT LEAVE

Sec. 17-139. - Hours of work.

The work week for full-time employees in the unclassified or classified service shall consist of not less than thirty-five (35) regularly scheduled working hours, exclusive of "lunch" periods. A person employed to work on a regular schedule of less than twenty-eight (28) hours per week shall be considered a part-time employee for purposes of pay, administration and other purposes contemplated by this article.

(Ord. No. OPJ-14-91, Rule IX, § 1, 6-4-91; Mo. of 6-18-91; Ord. No. SBPC-1444-11-13, § 1(Exh. A), 11-5-13)

Sec. 17-140. - Annual leave.

- (a) Except as provided elsewhere in this division, each eligible employee shall earn annual leave with pay as follows:

- | | |
|-------------------------------------|-------------------------------|
| (1) 1st through 3rd year: | Days per year..... <u>10</u> |
| (2) 4th through 10th year: | Days per year <u>15</u> |
| (3) 11 th or more years: | Days per year..... <u>20</u> |

- (b) Upon adoption of this plan, employees will be allowed to accrue a maximum of 20 days per year.

- (c) Employees who have or will attain their 20 year anniversary by the end of the 2017 calendar year will be eligible to accrue annual leave at the rate of 25 days per year.
- (d) Leave accruals shall be in hours or decimal points thereof commensurate with the regular base hours of work assigned to each class of work.
- (e) Accumulated annual leave shall be used in the next calendar year. Such accumulated, up to a maximum of five (5) days annual leave may roll over to the subsequent year, with prior, written approval of the Appointing Authority.
- (f) Persons employed on a subject-to-call basis, or under emergency or transient type appointments, shall not be entitled to accumulate annual leave; except in the case of those persons who are currently employees accumulating leave and who have been temporarily promoted on a transient basis to fill a vacant position pending filling of the vacancy by regular appointment.
- (g) Any biweekly pay period during which the employee is on leave without pay, or suspension, or is absent without leave for ten (10) working days shall not accumulate annual leave.
- (h) Upon voluntary resignation, retirement, termination from employment, death or entry into the armed services, an employee shall be compensated for annual leave accumulated to the date of separation, not to exceed thirty days (30).
- (i) In computing and recording charges against an employee's accumulated annual leave, deduction shall be made only for such time that the employee is absent when scheduled to work. The minimum charge against annual leave shall be a unit of one quarter ($\frac{1}{4}$) of an hour.
- (j) When the employee accept a provisional, or probationary appointment without a break in service, or with a break in service not in excess of one (1) full biweekly pay period, all unused annual leave accrued to such employee's credit shall remain to his/her credit when he/she begins service in the new position.
- (k) Any employee that is hired as an unclassified employee can only receive 2 weeks of vacation unless otherwise approved by the St. Bernard Parish Council.

Sec. 17- 141. - Requesting Vacation

- (a) Annual Leave request forms must be submitted to an appropriate supervisor by January 31 of each year and approved by the Director of Human Resources or Chief Administrative Officer. Preference is to be administered on the basis of seniority.

Any changes to the annual leave request form shall be approved by the Director of Human Resources or Chief Administrative Officer.

Sec. 17-142. - Sick leave.

- (a) Each employee in the classified service shall earn and accumulate sick leave with pay at the rate of one (1) day for each month worked. Leave accumulations shall be in hours or

decimal points thereof commensurate with the regular base hours of work assigned to each class of work. Persons employed on a subject-to-call basis, or under emergency or transient type appointments, or as temporary employees, shall not be entitled to accrue sick leave; except in the case of those persons currently employed and accumulating leave and who have been temporarily promoted on a transient basis to fill a vacant position, pending filling of the vacancy by regular appointment. Sick leave may be accumulated to a maximum of ninety (90) days.

- (b) No sick leave shall accrue to an employee for any biweekly pay period during which the employee is on leave without pay, or suspension, or is absent without leave for more than one (1) working day.

Sec. 17-143. - Excused Sick Leave

- (1) After six (6) undocumented uses of sick leave in any twelve month period, an employee will not be paid for sick leave without a valid physician's statement.
- (2) If an eight (8) hour per day employee misses twenty-four (24) consecutive hours of work due to illness; a seven (7) hours per day employee misses twenty-one (21) consecutive hours of work due to illness; a twenty-four (24) hour per day employee misses forty-eight (48) hours of work due to illness; he/she must present a valid doctor's certificate to be paid for sick leave.
- (3) Any employee who furnishes proof from his/her physician, establishing a case of chronic illness, will be relieved of the responsibility of furnishing a doctor's certificate for every day of sick leave taken unless abuse is apparent.
- (4) The use of less than one (1) day of the sick leave will not be considered in the determination of undocumented incidences of sick leave.
- (5) An employee on sick leave shall inform his supervisor as soon as possible. Failure to do so by the beginning of the employee's workday of the first day of illness may result in denial of sick leave with pay for the period of absence. Absence for part of a day that is chargeable to sick leave shall be charged proportionately in the amount of time expended. An employee must notify his supervisor immediately upon using sick leave. If the employee fails to do so he/she may be subject to disciplinary action.

Sec. 17- 144.-Exhaustion of sick leave

Annual leave may be used for sick leave purposes after sick leave is exhausted. Employees who have exhausted sick leave and annual leave may, at the discretion of the Parish, be granted leave of absence without pay for a period not to exceed one (1) year.

Sec. 17- 145. - Unused Sick Leave

All unused sick leave remains to an employee's credit:

- (1) When the employee resigns to accept a provisional, transient or probationary appointment in the Parish classified service, without a break in service or with a break in service not to exceed one (1) full biweekly pay period.
- (2) During any period when he/she is carried on authorized military leave without pay; or
- (3) When he/she is reinstated or reemployed after layoff; or
- (4) When he/she is transferred from one (1) Parish department or agency to another.

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

(Ord. No. OPJ-14-91, Rule IX, § 3, 6-4-91; Mo. of 6-18-91)

Sec. 17-146. - Records

- (a) The Human Resources Department shall keep records of sick leave accrued, sick leave taken, and balance of sick leave for each employee. An employee fraudulently obtaining sick leave or anyone found falsifying sick leave records shall be subject to disciplinary action.
- (b) In computing and recording charges against an employee's accumulated sick leave, deduction shall be made only for such time that the employee is absent when scheduled to work. The minimum charge against sick leave shall be one-quarter ($\frac{1}{4}$) of an hour.

Sec. 17-147. - Standard for FMLA leave.

- (a) When an employee is faced with a situation entitling the employee to leave under the "The Family and Medical Leave Act" (29 U.S.C. 2601) the employee shall take all available leave in the following order:
 1. The employee shall exhaust all of their accumulated sick leave.
 2. The employee shall exhaust all of their available annual leave.
 3. The employee shall exhaust all leave provided by The Family and Medical Leave Act.
- (b) Available annual leave time shall not include annual time accrued for next calendar year, unless approved by the Chief Administrative Officer.
- (c) The employee may exhaust all accrued annual time for the next calendar year concurrently with the leave provided under The Family and Medical Leave Act, at the discretion of the Chief Administrative Officer.
- (d) After all leave periods in (a) 1 – 3 above are exhausted; the employee's job will no longer be protected.

(e) Recertification shall be required one year after the initial certification.

(Ord. No. SBPC-1445-11-13, § 1(Exh. A), 11-5-13)

Sec. 17-148. - Civil leave.

- (a) An employee shall be given time off without loss of pay when performing jury duty; when subpoenaed to appear before a court, public body, commission, or board in a capacity other than as a party to a cause or action; when performing emergency civilian duty in connection with national defense; when ordered to appear for a medical or other examination by the Selective Service System or by a branch of the Armed Forces of the state or the United States; when taking or participating in a St. Bernard Parish civil service examination. An employee taking an examination for a license or certificate from a city or state agency may be granted civil leave if the Appointing Authority certifies to the Department of Human Resources that the service will benefit by the employee's acquisition of the certificate or license; or when an employee is undergoing required continuing education to maintain any license or certificate needed to perform his or her duties.
- (b) When an employee is authorized or assigned to attend a convention, a conference, or a training program directly related to his own position or to the functions and operations of his department, he shall be considered to be on duty and no leave shall be reported for or charged against the employee.
- (c) The parties to this agreement encourage employees to vote for political candidates for public office. However, when the polls are open before and/or after the normal workday, employees are expected to vote during non-working hours.

(Ord. No. OPJ-14-91, Rule IX, § 4, 6-4-91; Mo. of 6-18-91)

Sec. 17-149. - Leave of absence without pay.

- (a) The Appointing Authority may grant an employee leave without pay for a period not to exceed an aggregate of ninety (90) calendar days within a period of twelve (12) consecutive months, whenever such leave is considered to be in the best interest of the service; provided that:
 - (1) Leave without pay for a longer period may be granted only with the consent of the Chief Administrative Officer, subject to review by the Personnel Board; and
 - (2) When an employee is on leave without pay for more than five (5) consecutive days, the department director must submit a report to the Director of Human Resources and Chief Administrative Officer, and
 - (3) When an employee does not return to work at the expiration of a period of leave without pay as authorized herein, he/she shall be considered as having resigned his/her position as of the day following the last day of leave; and
 - (4) Provisional employees may be granted temporary leave without pay for a period not exceeding five (5) working days, when approved by the Chief Administrative Officer.

(Ord. No. OPJ-14-91, Rule IX, § 5, 6-4-91; Mo. of 6-18-91)

Sec. 17-150. - Special leave of absence without pay.

The Appointing Authority may grant a regular employee special leave of absence without pay for the purpose of enabling the employee to accept an unclassified position in the Parish service, except an elective office. The leave without pay herein authorized shall end automatically whenever the employee resigns from his unclassified position or his employment therein is otherwise terminated.

(Ord. No. OPJ-14-91, Rule IX, § 6, 6-4-91; Mo. of 6-18-91)

Sec. 17-151. - Special leave of absence with pay.

The Appointing Authority may grant a regular employee special leave of absence with pay for a period not to exceed one (1) year to permit the employee to obtain educational training, the end result of which would be betterment of the service rendered to the public. To obtain such leave, the employee must clearly demonstrate that the course of study is related directly to the work of the organization unit in which he is employed. The Appointing Authority shall not grant such leave without express approval from the Personnel Board. The employee must agree, in writing, to remain employed with Parish Government for no less than two (2) years from the last day of the educational training received. If the employee resigns within two (2) years from the last day of the education training received, the employee shall pay back 100% of the cost of the training.

(Ord. No. OPJ-14-91, Rule IX, § 7, 6-4-91; Mo. of 6-18-91)

Sec. 17-152. - Military leave with pay.

(a) Any regular or probationary employee who is a member of a reserve component of the Armed forces of the United States or the State of Louisiana shall be granted military leave of absence from his position for a period not to exceed fifteen (15) working days in any calendar year, without loss of pay, annual or sick leave, or other benefits, when ordered to active duty for field training or related or similar purposes.

(1) The Appointing Authority may grant a regular or probationary employee annual leave, leave without pay, or both, in accordance with other provisions of this article, for periods of training in excess of fifteen (15) working days.

(b) Any regular or probationary employee who is inducted or ordered to active duty to fulfill his reserve obligation, or who is ordered to active duty for an indefinite period in connection with reserve activities, is ineligible for the military leave with pay permitted under subsection (a) above.

(Ord. No. OPJ-14-91, Rule IX, § 8, 6-4-91; Mo. of 6-18-91)

Sec. 17-153. - Military leave without pay.

- (a) Any regular employee or probationary employee who enters upon active military duty with the Armed Forces of the United States or the State of Louisiana for a period of not more than four (4) years plus any involuntary extension for not more than one (1) year, shall be placed on military leave without pay. Such leave shall extend through a date ninety (90) days after he is relieved from military service or from hospitalization continuing after discharge for a period of not more than one (1) year.

The employee shall be restored to the position which he vacated, provided: (1) He makes written application to the appointing authority of the organization unit in which he was formerly employed within ninety (90) days from the date of his honorable discharge or discharge under honorable conditions, or from hospitalization continuing after discharge for a period of not more than one (1) year; and (2) he is physically and mentally capable of performing the work of his position to the satisfaction of the appointing authority.

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

- (b) If a position vacated by an employee entering the armed service no longer exists when he qualifies to return to work, he shall be entitled to reemployment in any position of the same classification within the organization unit in which he was previously employed, provided such reemployment does not necessitate laying off an employee appointed at an earlier date than the employee returning from military leave.
- (c) If a position vacated by an employee entering the armed services no longer exists when he qualifies to return to work, and if no other position to which he might be entitled through reemployment privileges exists in the organization unit in which he was previously employed, his name shall be placed upon an appropriate reemployment list or lists by the Director of Human Resources, who shall take all steps consistent with this article to effect reemployment at the earliest possible date. Names of persons placed on reemployment list under the provisions of this section shall be given preference in certifications.
- (d) Any position vacated by an employee placed on military leave without pay may be filled only by a conditional appointment. A regular employee temporarily occupying a position vacated by a person entering the armed services shall be entitled to all benefits provided in this article that he might otherwise have, except as herein provided. If and when a regular employee is required to vacate a position as the result of reemployment of a person returning from military leave, he shall be entitled to be demoted or transferred to his former position, provided the demotion or transfer to his former position does not necessitate laying off any employee appointed at an earlier date than the employee being demoted or transferred; otherwise, he shall be eligible for placement on an appropriate eligible list.
- (e) A person on authorized military leave of absence shall be permitted to take any promotional examination given during his period of leave.

(Ord. No. OPJ-14-91, Rule IX, § 9, 6-4-91; Mo. of 6-18-91)

Sec. 17-154. - Funeral leave.

- (a) An employee shall be allowed three (3) working days funeral leave with pay in the event of death of an immediate family member which shall be limited to spouse, child, siblings or parent, including foster parent, stepmother, stepfather, or any blood relative living under the same roof as the employee. It shall also include in-laws of the current spouse, grandparents, grandchildren or relationships where extenuating circumstances exists as determined by the Director of Human Resources or Appointing Authority. In addition, two (2) sick or annual leave days may be used for travel in connection with funeral leave upon the request of the employee and at the discretion of the employer.
- (b) In support of requests for funeral leave and sick leave supplemental thereto, the employee shall furnish to his supervisor written notice of the need for absence, including in such notice the name and relationship of the deceased, the date of death, and such other information as may reasonably be required to justify the leave requested. The employee shall furnish the required notice in advance or as soon as reasonably practical, and in no case later than ten (10) calendar days after the date of the end of such leave.
- (c) Failure by the employee to comply with a request to furnish such notice and information shall be cause for denial and/or cancellation of the leave.
- (d) After granting any leave under this section, should it be determined by the appointing authority that the leave was not justified, the leave charge shall be changed to leave of absence without pay, and the appointing authority shall also take such other disciplinary action as is deemed suitable.

(Ord. No. OPJ-14-91, Rule IX, § 12, 6-4-91; Mo. of 6-18-91; Ord. No. SBPC 521-03-02, § 1, 3-5-02)

Sec. 17-155. - Absence without leave.

- (a) It shall be the duty of every employee to report for work in accordance with, and to work throughout, all regularly scheduled working hours, unless granted a leave of absence duly applied for and approved by the Director of Human Resources or authorized in accordance with one (1) or more of the provisions contained in this chapter. Each and every absence without leave shall be reported on the daily time and attendance reports by separate and specific identification, and no compensation shall be paid to any employee for any time absent from work without leave.
- (b) Deduction from pay or denial of pay to an employee for time absent without leave shall not be considered or treated as a disciplinary action. Separate disciplinary actions, including dismissal, may be taken against an employee, for any absence without leave.
- (c) For purposes of this section, the term "work" shall include, in addition to normal and related duties, all other assignments that are ordered or authorized by an employee's supervisor (i.e. participation in job-related safety or training sessions, work-breaks, evacuation of premises or relief from duty due to hazardous conditions, escort or transport to a Parish medical facility for first aid for a job related injury).
- (d) Denial of pay for time absent without leave shall be appealable to the Personnel Board only on the basis of a specific allegation that the absence was, or should have been, approved or

authorized. Such an appeal must be filed in writing and within thirty (30) calendar days of the pay day on which the pay was denied. The appellant shall bear the burden of proof of such allegations.

(Ord. No. OPJ-14-91, Rule IX, § 13, 6-4-91; Mo. of 6-18-91)

Sec. 17-156. - Holidays.

- (a) The following days shall be observed as holidays, except as otherwise provided, specifically, elsewhere in these rules.

January 1 (New Year's Day).

3rd Monday in January (Martin Luther King's Birthday).

3rd Monday in February (Presidents' Day).

Lundi Gras (The Monday before Mardi Gras)

Mardi Gras.

Good Friday.

Last Monday in May (Memorial Day).

July 4 (Independence Day).

First Monday in September (Labor Day).

November 11th (Veteran's Day).

Fourth Thursday in November (Thanksgiving Day).

Fourth Friday in November (Day after Thanksgiving).

December 24th (Christmas Eve).

December 25th (Christmas Day).

December 31st (New Year's Eve).

- (b) If the following holidays, January 1, July 4, November 11, December 24, December 25 and December 31 fall on Saturday, employees will observe the holiday on the preceding day. If the holiday should fall on a Sunday, they will observe the holiday on the following Monday.
- (c) All employees shall be granted one personal day per year. Personal time off of work must be approved by the employee's supervisor.
- (d) All hours worked on the above mentioned holidays in subsection (a) above shall be paid at two (2) times the employees' regular hourly rate.

- (e) In addition to the provisions of subsection (a) above, any other holiday which may be declared by the Parish President shall be observed by such employees and under such conditions as might be specified in the declaration of such holiday.
- (f) Employees of courts and other agencies which are bound by law or practical necessity to observe holidays inconsistent with those listed in subsection (a) of this section may observe such holidays in lieu of those provided in said subsection (a).
- (g) The Appointing Authority shall negotiate holidays to be declared for St. Bernard Parish Government employees.
- (h) Annual time taken the day before and/or the day after a holiday must be pre-approved. Anyone requesting sick time for the day before and/or the day after a holiday must provide a doctor's note upon his return to work in order to receive holiday pay. Unexcused absences will make the employee ineligible for holiday pay.

(Ord. No. OPJ-14-91, Rule IX, § 11, 6-4-91; Mo. of 6-18-91; Ord. No. SBPC-56-03-93, 3-2-93; BPC-103-01-94)

Sec. 17-157- Sec 17-161. Reserved.

ARTICLE IX- RECORDS

Sec. 17-162. - Appointment forms.

The Director of Human Resources and the Chief Administrative Officer shall prescribe forms to certify the fact of lawful creation of a position and the fact of lawful appointment of a person to the position. The Director shall indicate on these forms the proper allocation of the position and the rate of pay at which payment is to be made. When submitted to the director of Finance, in the case of those departments for which the director of Finance prepares departmental payrolls or when submitted to fiscal officers whose departmental payrolls are not prepared by the director of Finance, these forms shall constitute authorization for the initial placement of the name of a person on a payroll except in accordance with this article.

(Ord. No. OPJ-14-91, Rule XI, § 1, 6-4-91; Mo. of 6-18-91)

Sec. 17-163. - Payroll and attendance records.

- (a) The appointing authority shall install a system of payroll and attendance records. Each payroll record shall show the name of the employee, the official class title, the period for which payment is proposed, the rate of pay, and the amount of proposed payment. The system or systems shall be designed to facilitate the maintenance of adequate personnel records and to eliminate duplication of accounting and reporting to the fullest extent practicable. The Director of Human Resources shall advise and assist the Appointing Authority in establishing systems of payroll and attendance records.
- (b) The Appointing Authority shall certify on each payroll or subsidiary document the fact of continued authorized employment of a person in a position, the fact of the actual rendering

of service in the position or the fact of absence from duty on duly authorized leave with pay, the actual number of hours of attendance on duty, or any other satisfactory way of describing the time worked in the payroll period.

- (c) No payment for personal services shall be made by any department or fiscal officer thereof to any employee in the classified civil service of the Parish until after certification by the Director of Human Resources that such payment is authorized and is in conformity with this article. The Director's approval of forms relating to personnel transactions shall constitute certification within the meaning of this rule.
- (d) The forms prescribed by the Director of Human Resources shall also be used for the authorization for continuance of the name of a person on a departmental payroll. Any change in the status of an employee shall be reported promptly to the Director on the prescribed forms, and when approved by the Director such forms shall constitute proper authorization for the corresponding change in status of the employee.

(Ord. No. OPJ-14-91, Rule XI, § 2, 6-4-91; Mo. of 6-18-91)

Sec. 17-164. - Leave records.

- (a) The Appointing Authority shall, with the advice and assistance of the Director of Human Resources, install and maintain a leave record for each employee in the classified service showing: (1) Annual leave earned, used, and unused; (2) sick leave earned, used, and unused; and (3) any special leave or other leave, with or without pay. Such records shall be documentary evidence to support and justify the certification of authorized leave of absence with pay.
- (b) The Director of Human Resources shall prescribe the forms and procedures by which the directors of each department shall transmit to the Department of Human Resources notice of the leave taken by or granted to classified employees.

(Ord. No. OPJ-14-91, Rule XI, § 3, 6-4-91; Mo. of 6-18-91)

Sec. 17-165. - Examination of personnel records.

The Director of Human Resources may, from time to time, examine departmental payrolls and related records to determine whether or not the persons on the payrolls have been appointed, transferred, reinstated, continued, or otherwise employed in violation of any provision of this article or are being paid at a rate other than the duly authorized rate. The Appointing Authority, officials, and other officers of the Parish shall cooperate with the Director in such examinations.

(Ord. No. OPJ-14-91, Rule XI, § 4, 6-4-91; Mo. of 6-18-91)

Sec. 17-166. - Records of the Department of Human Resources.

- (a) Except as specifically provided in this section, the records of the Department of Human Resources shall be public records and shall be open to public inspection during office hours

observed by the department. For reasons of public policy, the following records shall be held confidential:

- (1) Examinations, examination material, tests, and the results of tests;
 - (2) Confidential reports and investigations on the character, personality, and history of employees or applicants for positions in the parish service;
 - (3) Medical reports;
 - (4) Other information as provided by law.
- (b) Upon the request of the Chief Administrative Officer, the Director of Human Resources will make available full information concerning the results of tests.

(Ord. No. OPJ-14-91, Rule XI, § 5, 6-4-91; Mo. of 6-18-91)

Sec. 17-167—Sec. 17-171. - Reserved.

ARTICLE X. - ESSENTIAL PERSONNEL POLICY FOR DECLARED EMERGENCIES

Sec. 17-172. - Definitions.

[Whenever in this article the following terms are used, they shall have the meanings respectively ascribed to them:

Non-Essential personnel shall mean those employees who are not required to report to work during an emergency which has been declared by the Parish President.

(Ord. No. SBPC 427-09-99, § I, 9-7-99; Ord. No. SBPC 596-09-04, 9-21-04)

Sec. 17-173. - Introduction—Essential personnel for declared emergencies.

St. Bernard Parish Government is dedicated to providing the utmost care in emergency services and continued operations during emergency situations such as hurricanes, floods and other imminent emergencies. It is required for employees to be available to assist in emergencies to insure, as much as possible, roads are kept clear, water is available and safe to drink, wastewater treatment facilities remain functional, citizens are evacuated if the need arises, emergency supplies are available, all expenses pertaining to the emergency are recorded and accounted for, the general public is kept informed, and other duties or actions are handled as the need arises.

- (1) Once buildings and offices are secured, the Parish President or his designee will dismiss non-essential personnel from work until the threat of danger from the emergency has passed.
- (2) Essential personnel shall be required to remain at work until released by the Parish President or his designee.

- (3) When St. Bernard Parish is threatened by hurricane, storm, flood or other emergencies, it is essential that persons holding the following positions shall be available for work:

Essential personnel:

- a. *Presidential staff*—Parish President, Executives or Assistants to the Parish President, and Public Information Officer.
- b. *Administration*—Chief Administrative Officer, Assistant to the Chief Administrative Officer, Administrative Assistants, Legal Counsel, Preventative Maintenance Manager and Staff, Risk Manager and Information Technology Staff.
- c. *Parish Council*—Council-at-large, east; Council-at-large, west; Council District A; Council District B; Council District C; Council District D; Council District E; and Clerk of Council. Only four (4) of the Councilmembers are required to stay to secure a quorum.
- d. *Finance*—Finance Director, Assistant Finance Director, Payroll Supervisor, Accounts Payable Supervisor, and Purchasing agent.
- e. *Fire*—Fire Chief and all Firefighters.
- f. *Media*—Cable Access Manager.
- g. *OHSEP*—Manager, Logistics, and Assistant to the OHSEP Manager. The OHSEP Manager shall be designated as Director for the purpose of RS 29.728”
- h. *Public Works*—Public Works Director, Water and Sewer Division Manager, Road Superintendent and Public Works employees.
- i. *Recovery Department*—Planner and CDBG Program Manager.
- j. *Transit Department*—Manager and Bus Operators.
- k. *Recreation*—Director.
- l. *Animal Control*—Manager and Assistant Manager.
- m. *Housing and Redevelopment*—CSBG Manager.
- n. *Community Development*—Director.
- o. *Human Resources*—Director.
- P. Information Technology Manager.

(In the event of a Saffir-Simpson Category 4 or 5 hurricanes, des **Working out of Classification** – Employees who work in a higher classification based on a bona fide emergency situation affecting the safety and health of the citizens or operation of St.

Bernard Parish Government or when there is an immediate need to temporarily fill an unoccupied position.

ignated Tier II personnel will be required to report for work. In the event of a Tropical Storm or a Saffir-Simpson Category 1, 2 or 3 hurricane, designated Tier I and Tier II personnel will be required to report for work.)

(Ord. No. SBPC-427-09-99, § I, 9-7-99; Ord. No. SBPC 596-09-04, 9-21-04; Ord. No. SBPC-685-11-06, 11-21-06; Ord. No. 1271-08-11, § 1, 8-16-11; Ord. No. SBPC-1408-07-13, § 1, 7-2-13)

Sec. 17-174. - Absenteeism of essential personnel.

Any employee holding a position outlined in section 17-173 and fails to report to work as required will be considered absent without leave (AWOL) and disciplined accordingly in accordance with the relevant policy.

(Ord. No. SBPC-427-09-99, § I, 9-7-99; Ord. No. SBPC 596-09-04, 9-21-04)

Sec. 17-175. - Declared emergency pay

- (a) Salaried Non Exempt and Hourly employees who work during a declared emergency may be granted one and a half (1 ½) times pay for each hour worked during a declared emergency. For each hour in excess of forty the employee shall be paid two (2) times their normal hourly rate. Salary employees shall be paid their salary rate plus their hourly rate determined by dividing the annual salary by the annual hours worked.
- (b) In lieu of (a) above, the Parish President may, at his/her discretion, or for budgetary reasons, grant leave time in proportion to the time worked.
- (c) Non-essential personnel will be paid for normal work time during a declared emergency, and will be required to report back to work as soon as possible after the emergency has diminished. The Parish President will determine the exact time employees will be excused from work.
- (d) Employees who work on days which other employees are excused from work by the Parish President will receive additional leave in proportion to time worked up to eight (8) hours per day.
- (e) Essential personnel called to duty for an emergency declared under this article may be required to work out of their normal job classification, description, and/or assignment as may be required for Parish Government to properly respond to the declared emergency.
- (f) An employee that is assigned to perform out of classification work in response to an emergency declared under this article is not entitled to any pay adjustment(s), enhancement(s), or increase(s) of any nature as a result of said out of classification work assignment.

(Ord. No. SBPC-427-09-99, § I, 9-7-99; Ord. No. SBPC 596-09-04, 9-21-04)

Sec. 176- Sec. 181. - Reserved.

ARTICLE XI- MISCELLANEOUS PROVISIONS

Sec. 17-182. - Workers' Compensation and Employer Liability Claims.

In accordance with Revised Statute 33:3062 (B), the Parish shall maintain a self-insurance program for Workers' Compensation and Employer Liability claims.

(Ord. No. 9-81, 2-17-81)

Sec. 17-183. - Employee disability policy.

The following policy shall apply to Parish employees who are disabled from on-the-job injuries: If and when the disability of an employee is of the nature that such employee is entitled to payments under the Louisiana Workers' Compensation Statute, such employee may use their accumulated sick or annual leave for the initial seven (7) day waiting period up to the time that workers' compensation benefits becomes effective. (Res. of 2-1-77)

Sec. 17-184. - Deferred compensation plan.

- (a) The Governing Authority hereby adopts the National Association of Counties Deferred Compensation Program and hereby establishes the Parish Deferred Compensation Plan for the voluntary participation of all eligible Parish employees and elected officials.
- (b) The director of Finance is hereby authorized to execute for the Parish, individual participation agreements with each employee requesting same, and to act as the administrator of the plan representing the Parish, and to execute such agreements and contracts as are necessary to implement the program. It is implicitly understood that, other than the incidental expenses of collecting and disbursing of the employees deferrals and other minor administrative matters, that is to be no cost or contribution by the Parish to the program.

(Res. No. R-173-80, 9-16-80)

Sec. 17-185. - Social Security—Coverage extended.

It is hereby declared to be the policy and purpose of the Governing Authority to extend the provisions of Section 1 of Act No. 204, Regular Session Louisiana Legislature of 1952, as amended, providing Social Security coverage to eligible officers and employees of the Governing Authority. In pursuance of said policy and for said purposes, the officers of the Parish shall take such action as may be required by applicable state or federal laws or regulations. The coverage of eligible officers and employees shall be effective as of January 1, 1964.

(Ord. of 8-18-64, § 1)

State law reference— See L.R.S. 42:1005.

Sec. 17-186. - Same—Execution of agreement.

The Parish President is hereby authorized and directed to execute an agreement with the public employees' board of the state to secure Social Security coverage for eligible officers and employees.

(Ord. of 8-18-64, § 2)

Sec. 17-187. - Same—Withholdings.

Withholdings from salaries or wages of officers and employees for the purposes provided herein are hereby authorized to be made in the amounts and at such time as may be required by applicable state and federal laws and regulations, and shall be paid over to the public employees board, a state agency, in such amounts and at such times as designated by state laws and regulations of said agency.

(Ord. of 8-18-64, § 3)

Sec. 17-188. - Same—Contributions.

Employer contributions and assessments for administrative expenses shall be paid from amounts appropriated for such purposes to the state agency in accordance with applicable state laws and regulations of said agency.

(Ord. of 8-18-64, § 4)

Sec. 17-189. - Same—Records and reports.

The Parish President or his designee shall maintain such records and submit such reports as may be required by applicable state and federal laws or regulations.

(Ord. of 8-18-64, § 5)

Sec. 17-190. Reporting procedures for theft or fraud.

If an employee has reasonable suspicion that another employee is committing theft, fraud, and/or is violating an express prohibition of this chapter or the Louisiana Code of Governmental Ethics, it shall be the duty of such employee to immediately report the violation to the Chief Administrative Officer, the Director of Human Resources or the Personnel Board.