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**POSITION PAPER**  
**(PROPOSED) AMENDMENTS PERSONNEL RULES FOR THE CLASSIFIED SERVICE: RULE I; RULE IV, SECTION 1.3(e); RULE IV, SECTION 2.4; and RULE IX, SECTION 2.1.**

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This position paper is offered by the Jefferson Parish Office of Inspector General (“JPOIG”) pursuant to the provisions of the Jefferson Parish Code of Ordinances (“JPCO”), Section 2-155.10(11)(f) which provides, in pertinent part, the authority to the JPOIG to “[e]ngage in prevention activities” including but not limited to “review of legislation.”

The next Jefferson Parish Personnel Board is meeting Tuesday, December 10, 2019. At that time, the Personnel Board will have before it for consideration a proposal to amend the Personnel Rules for Classified Service, which was read into summary at the recent Jefferson Parish Council’s meeting on Wednesday, October 23, 2019. The proposal is the result of a letter written by Councilmember Conley to the Personnel Board requesting changes to the Personnel Rules for the Classified Service. The proposal calls for amendments to Rule I; Rule IV, Section 1.3(e); Rule IV, Section 2.4; and Rule IX, Section 2.1 of the Personnel Rules for Classified Service. If the proposed amendments are approved, then the amendments would be placed on the Wednesday, December 18, 2019, Parish Council meeting agenda for approval.

The amendments would change how a classified employee’s prior years of service may be calculated in regards to qualifying for and obtaining longevity raises and accumulation of annual leave. Importantly, the changes will require the inclusion of service rendered prior to a separation in Parish service.

**CURRENT PERSONNEL RULE**

Presently, Rule I of the Personnel Rules for the Classified Service contains definitions for various terms used within the rules. Rule IV, Section 1.3(e) provides a certain set of conditions that if met can result in hiring a classified employee at a higher pay than the minimum entrance pay rate. Rule IV, Section 2.4 sets out the conditions for an employee to receive longevity

raises. And Rule IX, Section 2.1 explains the rate of annual leave accrual for classified employees depending upon their total years of continuous service. See Attachment A for Rule I. See Attachment B for Rule IV, Section 1.3(e). See Attachment C for Rule IV, Section 2.4. See Attachment D for Rule IX, Section 2.1

## **PROPOSED PERSONNEL RULE**

The proposed amendment to the personnel rules were requested by Councilmember Keith Conley and were described to some degree in his letter to the Personnel Board. Councilman Conley's letter states that he and Councilmember Templet would like to revise the personnel rules regarding classified employees and "breaks-in-service." Under current personnel rules, a classified employee's prior years of service before a break-in-service are not considered when calculating years of service for longevity raises and accrual of annual leave. The Councilman's letter asks that the rules to be amended to cause years of service prior to a break-in-service, of no more than 5 years, count towards longevity raises and the accrual of annual leave for the purposes of attracting and recruiting valuable former employees back into Parish employment.

In response to the Councilman's proposed amendment, the Personnel Board held a special meeting on Monday, October 28, 2019. During the meeting, concerns were expressed about the proposed amendments and whether they could be properly implemented by the Personnel Department along with other attending employees. The Personnel Board determined to defer a vote on the proposed amendments until the Tuesday, December 10, 2019 Personnel Board meeting. In the meantime, the Personnel Board instructed the Personnel Department to meet with Councilmember Keith Conley and his staff to come to an agreement on mutually acceptable amendments that could be implemented properly. The JPOIG requested copies of the new proposed amendments. The amendments were as follows:

- Rule I will include new definitions for "cumulative service," "longevity pay," and "resignation in lieu of dismissal."
- Rule IV, Section 1.3(e) will establish how a classified employee hired by the parish can obtain higher than the minimum entrance pay rate.
- Rule IV, Section 2.4 will address changes to the calculation of service for prior years from being determined by continuous years of service to cumulative. It would also set conditions forth on how a classified employee's prior years of service before a break-in-service may qualify towards the cumulative calculation.
- Rule IX, Section 2.1 will change the determination for accrual of annual leave from depending upon continuous years of service to cumulative years of service.

## **ANALYSIS**

First, the JPOIG noted multiple issues, brought forward at the Personnel Board meetings by various parties, that lacked the level of assessment and/or clarity desired prior to action to consider adoption of the proposed amendments to the Personnel Rules.

### *1. Will the proposed amendments fulfill the purpose?*

Councilmember Conley's letter stated that the proposed amendments will attract and recruit former employees back into Parish employment. It was also stated at the Personnel Board

meeting that the amendments may also help retain current employees since any increase in employee benefits is valuable to current employees. Conversely, the proposed amendments could also have the effect of allowing Parish employees to test out career options at other workplaces knowing that they could return back to Parish employment to continue accumulating years of service from where they left off.

In addition, the JPOIG received a list of current classified employees from the Personnel Department who may be eligible for additional longevity raises under the proposed amendments. According to the list, it appears only 3 employees would immediately be eligible to receive additional longevity raises. Another employee is close enough to their normal maximum salary that the employee would most likely benefit from the amendments next year. If the purpose of the amendment is to recruit former employees back into Parish employment and help retain current employees, then the Personnel Board should consider how it would do so if it seems to only apply to a very limited number of employees.

*2. What is the financial impact of implementing the proposed amendments?*

During the Personnel Board meeting, the question of the proposed amendments' financial impact to the Parish was raised multiple times. During the discussion, it was stated that the Personnel Board would like to know the impact as it strives to be fiscally prudent while keeping the taxpayers of Jefferson Parish in mind. The Personnel Department indicated that a qualitative determination was not likely due to a variety of issues, including that personnel record keeping to date has not captured information that would be necessary or assessment. The JPOIG also sought to gather data to perform an analysis determining the financial impact. The JPOIG research indicates that no significant data is available to make any meaningful analysis of the amendments' financial impact. Examples of significant data for an analysis on the financial impact would be: all Parish employees eligible for the additional longevity raises and the increase in their salary resulting from the amendments; a list of employees who have already left the Parish and may be re-employed and the effect of the amendments on their resulting salary; whether or not department budgets can already sustain paying additional resulting longevity raises from the amendments or if they will need/receive increased funding to do so; etc.

*3. Can Jefferson Parish's records management system, AS400, effectively implement the changes in the proposed amendments?*

The Personnel Board questioned if there was a fundamental problem with implementing the changes on the IT level. The board was informed that it's not a system based issue, but that the AS400 system used to record the relevant personnel data had never been designed to record data necessary to assess employee breaks-in-service and/or to calculate service years prior to a break. Consequently, the system cannot be relied on to determine an employee's eligibility until each employee's file has been examined and the information has been input into the system. Additionally, the system would need to be reprogrammed to calculate the years for prior service before a break-in-service as required by the proposed amendments. Additionally, the JPOIG has elevated concerns regarding the assessment of any employee service prior to 1998, when AS400 began capturing current data fields. If the proposed amendments are to be implemented properly, then the Personnel Board should take into consideration the integrity of the data used to process the implementation; if the necessary changes can be made with reasonable assurances of

data integrity; and if any changes must be made before the effective date and/or transition to any new policy.

4. *How will the proposed amendments affect Rule IV, Section 7.1 of the Personnel Rules for the Classified Service?*

Rule IV, Section 7.1 states that employees with years of service in the Pay Plan for Fire Personnel, Executive Pay Plan for Unclassified Employees, or Judicial Compensation and Classification Plan may have their years of service credited when moving into a classified position in the Classified Pay Plan for the purpose of determining entitlement to longevity pay raises in the Classified Pay Plan. In the Personnel Board meeting, the question arose of how this rule may affect an employee switching between pay plans. Multiple scenarios were presented on an employee switching between pay plans and how the years of service may be calculated. These scenarios should be thought out carefully before any implementation of proposed amendments to ensure clarity of process for employees moving between systems.

The manner and method of record keeping in the non-parish pay plans may also present issues related to the capture of data in a manner necessary for effective assessment. Failure to assure parity of available data and the method of processing between systems could result in varied interpretations of service year calculations. Furthermore, the uncertainty may prevent employees from doing so until the Personnel Board and Personnel Department clarify the effects of the amendments.

5. *Will the calculation to include previous years of service be in whole years or include months?*

The JPOIG attended a meeting between the Personnel Department and Councilmember Conley's staff discussing the issue of whether or not the calculation of prior service should be based on whole years or months of prior service and whether any prior service period should be rounded to the year. The Personnel Department stated they would prefer to only count whole years since counting whole years is consistent with other Personnel Rules. Councilmember Conley's staff stated they would prefer that months be included, but after including the months in the calculation, the result could be rounded down to a whole year. For example:

	<b>Years &amp; Months of Service</b>	<b>Monthly Calculation</b>	<b>Yearly Calculation</b>
<b>Edible Prior Service</b>	3 yr. & 7 mo.	43	3 yr.
<b>Current Service Period</b>	3 yr. & 9 mo.	45	3 yr.
Resulting Calculation:		7 years	6 yr.

Further, the JPOIG noted additional areas of concern that should be addressed by the Personnel Board and/or Personnel Department to ensure proper implementation of the amendments.

6. *The JPOIG's research brought additional issues to light that may need to be addressed.*

The JPOIG noted the following additional areas as concern:

1. What data needs to be collected by Personnel and Human Resources in the future to carry out the effects of the amendments properly?

2. How will Jefferson Parish employees be notified of the amendment so they may know if they benefit from it? How will managers be notified if their employee is now eligible for additional longevity raises as a result of the amendments? Will notification be through email? If notification is through email, are there any employees who work for the Parish who do not have email access?
3. How will notification be sent to the public so that Jefferson Parish can attract previous employees back with the proposed amendments?
4. Is there a reason for AS400 containing both fields of “Seniority Ranking” and “Hire Date?” The JPOIG was informed that the fields are meant to be the same. Or, is there a difference between the two? What does it mean if an employee’s personnel file has different dates in each field and it’s not a mistake? What protocol will be used to assess incongruent data? Does it mean a break-in-service occurred?
5. If Jefferson Parish is concerned about the fact that classified employees who left the system have no incentive to come back to the Parish since they may have to start at the minimum rate of pay again, then why can’t an amendment be proposed re-employing a worker back into the same position/classification and same pay step they were at when they left?

While the JPOIG does not take any specific position on the amendment, other clear solutions to address the problem of attracting and recruiting former employees back to the Parish should be considered, such as re-employing workers back into the parish at their previous position and pay amount rather than starting over at the minimum pay rate, etc. The JPOIG urges that all of the issues brought forth be considered carefully for proper implementation before approving the amendments.

Respectfully,



David McClintock

Personnel Rules for  
the Classified Service,  
Rule I



## **RULE I**

### **DEFINITIONS**

Section 1. The following terms, phrases and words, when used in these Rules, shall be construed to have the following meanings:

1. "Accumulated annual leave": annual leave earned but unused.
2. "Advance in rate of pay": 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 grade for the employee's class of positions.
3. "Allocation": the official determination of the specific class to which a position in the classified service belongs.
4. "Appointing authority": any agency, board, commission, officer, official, or other individual duly empowered to make appointments to positions in the Parish classified service.
5. "Appointment": the designation of a person by a duly empowered appointing authority to become an employee in a position, and the person's induction into the position.
6. "Appropriate employment list": a list of the names of persons established for a particular class of positions or, in the absence of such a list, another list of the names of persons who, because they meet certain required standards or possess certain minimum qualifications, are deemed by the Department or the Director to be eligible for appointment to a position in a class other than the class for which they were examined or in which they have permanent status.
7. "Average performance evaluation": the simple arithmetical mean of the overall values of performance evaluations performed by an appropriate Appointing Authority under Rule XII, Sections 1.2 (rating during initial probationary period upon entry into the Parish service only) and 1.3 (not including re-ratings provided for under Sections 1.3 and 1.6). For purposes of this definition, the overall value of an evaluation shall be 0 where the overall evaluation is below expectations or 1 where the overall evaluation is needs improvement or higher.
8. "Board": the Personnel Board.
9. "Certification": 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.
10. "Certification after probation": official notice furnished by an appointing authority to the Director that an employee has satisfactorily completed the prescribed working test period.
11. "Class" or "Class of positions": 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.

12. "Classification plan": all the classes of positions established for inclusion in the classified service.
13. "Classified service": all offices and positions of trust or employment in the Parish service, except those placed in the unclassified service by Section 4.03 A et seq. of the Jefferson Parish Home Rule Charter. Unclassified personnel shall include the following:
  - Parish President
  - Heads of departments (except the Director of Personnel)
  - Heads of principal offices
  - Parish Clerk
  - Members of advisory boards and other unpaid bodies, who are not parish employees
  - Employees of organizations and other persons engaged on a contractual basis
  - Parish Attorney
  - Assistant Parish Attorneys
14. "Competitive position": 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.
15. "Continuous examination": an examination for which no final filing date has been set, which will be given on more than one date, and from which the resultant employment list is an open list.
16. "Continuous Service and/or uninterrupted service": as used in the Rules, 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. Continuous service as used in Personnel Rule IV, Section 7.1 shall mean that the individual moved immediately from one plan to the classified plan with no break in service.
17. "Demotion": a change of an employee in the classified service from a position of one class to a position of another class for which a lower maximum rate of pay is prescribed.
18. "Department": The Department of Personnel, including both the Personnel Board and the Director of Personnel.
19. "Departmental certification": certification from a promotional register of a list of persons who already have permanent status in a lower class of positions in the same department.
20. "Director": the Parish Director of Personnel.
21. "Division" or "division of the service" or "agency": 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 in which are under the same appointing authority.
22. "Donated Leave": leave (sick and/or annual) received by leave recipient through the guidelines established in Rule IX, Section 18.



23. “Eligible”: a person whose name is on a list.
24. “Employee”: a person legally occupying a position within the classified service. For the purposes of these rules the term “public employee” shall be considered identical with the term “employee”.
25. “Employment list”: an original entrance employment list, a promotion employment list, or a re-employment list.
26. “Entrance test”: a test for positions in a particular class, admission to which is not limited to persons employed in the Parish service.
27. “Examination”: the entire qualifying procedure through which an applicant for a classified position must go in his attempt to achieve a place on an employment list.
28. He, his, him, etc. shall include the feminine connotation in general and applicable cases.
29. “Immediate Family”: for the purposes of these Rules, the term “immediate family” shall include the parents, grandparents, brothers, sisters, spouse, children, step parents/children, and, if living under the same roof with the employee, other blood relatives or relatives by marriage.
30. “Law: Section 4.01 B and Section 4.03 et seq. of the Jefferson Parish Home Rule Charter.
31. “Layoff”: 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.
32. “Leave Donor”: a regular employee approved by the Department of Personnel to donate leave (annual and/or sick) to eligible leave recipients.
33. “Leave Recipient”: a regular employee with a medical emergency, either his own or of an immediate family member, approved by the Personnel Director and his Appointing Authority as eligible to receive donated leave from a leave donor.
34. “Leave year”: a continuous period of twelve (12) calendar months beginning on January 1 of any year.
35. “List”: an employment list, an original entrance employment list, a promotion employment list, or a re-employment list.
36. “Medical Emergency”: a medical condition of a regular employee or an immediate family member of such regular employee that is likely to require the prolonged absence of such employee from duty and to result in a substantial loss of income to such regular employee because of the unavailability of paid leave.
37. “Occurrence”: any amount of time absent in a work day that was not previously scheduled and approved by supervisor and includes consecutive days pertaining to the same illness or event.
38. “Open list”: a list to which eligibles may be added from time to time through the continuous examination procedure.
39. “Organization unit”: 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.

40. "Original entrance employment list": an employment list for a class resulting from tests of fitness open to all applicants who meet the prescribed requirements for admission to the tests, regardless of prior employment in the classified service.
41. "Parish service" or "civil service of the Parish": 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 the military and naval 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 Section 4.03 A et seq. of the Jefferson Parish Home Rule Charter.
42. "Pay": salary, wages, and all other forms of valuable consideration, or the amount of any one 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.
43. "Pay plan": all the scales or rates of pay prescribed under the provisions of the Law by the Board and approved by the Parish Council for classes of positions in the classified service.
44. "Pay status": an employee's presence for work or absence on authorized leave with pay during and throughout each working day in a specified pay period.
45. "Position": any office or any employment in the service of the Parish, or any two or more of them in combination, the duties of which call for services to be rendered by one person, including positions jointly employed by federal and Parish agencies administering federal and Parish relief funds.
46. "Prohibitions against political activity": those restrictions adopted by the Board and prescribed either in the Rules or by Regulation, which prohibit participation by employees in activities which the Board deems of a political nature.
47. "Promotion": a change of an employee in the classified service from a position of one class to a position of another class for which a higher maximum rate of pay is provided in the pay plan.
48. "Promotion employment list" or "promotion list": an employment list for a class resulting from tests of fitness limited to applicants who are employees of lower classes in the classified service.
49. "Promotion test": 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.
50. "Public hearing": a hearing held after publication of at least one public notice in the official journal or journals of the Parish not less than ten (10) calendar days before the hearing is scheduled to convene, at which any person may have a reasonable opportunity to be heard in accordance with the Rules and Regulations adopted by the Board.
51. "Public notice": the posting of a notice of intention on the part of the Board or the Director 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.

52. "Re-employment": the re-appointment 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.
53. "Re-employment list": an employment list for a class consisting of a list of names of persons who have previously occupied positions allocated to that class, and who have been found to be entitled to certification for re-appointment to positions of the class.
54. "Regular employee": an employee who has been appointed to a position in the classified service in accordance with the Law and these Rules and who has completed the prescribed working test period.
55. "Regulation": a definition, policy, or mode of procedure consistent with the Rules and formally prescribed in writing by the Director or the Board to govern the manner of giving impetus or effect to the Law or these Rules. For this purpose, all such regulations shall be recorded in a Book of Regulations.
56. "Reinstatement": the re-appointment of a working test employee or a regular employee who has been separated from his position to a position of the same class or to any other position to which the employee may have been assigned, transferred, reallocated, or demoted if the separation had not occurred.
57. "Selective certification": 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.
58. "Service rating": 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.
59. "Sick leave": an employee's absence from duty because of any one of the following reasons: (1) the employee's personal illness or injury; (2) quarantining of the employee by health authorities; (3) death in the employee's immediate family; (4) to care for an immediate family member that has an illness or injury.
60. "Temporary appointment": 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.
61. "Termination of service": separation of an employee from his position by reason of death, resignation, layoff, dismissal, expiration of his term of appointment, or failure to return after the expiration of a period of authorized leave.
62. "Test": a specific phase of the examination process, such as a written test, a performance test, an oral interview, an experience rating, etc.
63. "Transfer": the reassignment or change of an employee from a position in one department to a position in another department, provided similar requirements exist in both positions.
64. "Unassembled examination": an examination or test the candidates for which are not all assembled in the same place at the same time.
65. "Unscheduled Absence": any amount of time absent in a work day that was not previously scheduled and approved by supervisor.

66. "Widow": the term widow as used in Personnel Rule XIV shall include the masculine connotation in general and applicable cases.
67. "Working test period": 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".
68. "Working test period employee": an employee who has been appointed to a position from an employment list, but who has not completed his working test period. The term "probational employee" shall be considered identical with the term "working test period employee".

Personnel Rules for  
the Classified Service,  
Rule IV, Section  
1.3(e)



## RULE IV

### PAY PLAN

#### Section 1. APPLICABILITY

- 1.1 For purposes of administering these Rules and the Pay Plan, each pay grade shall consist of an open range including a minimum entrance annual rate, a normal maximum annual rate and an absolute maximum annual rate. The grade range between the normal maximum rate and the absolute maximum rate shall be used for longevity pay purposes. An employee's pay may only exceed the absolute maximum rate of the pay grade when achieved by promotional, reallocation, and/or end of probation pay increases. Where the term maximum rate is used in this Rule, it shall mean the normal maximum rate stated in the Pay Plan, or, in the case of an employee having sufficient service to qualify for longevity pay, that employee's individual longevity maximum rate.

When necessary to the operation of the Parish automated payroll system, salary equivalents of the annual pay rates stated in the Pay Plan may be computed on an hourly, day, and bi-weekly basis as follows:

- (a) hourly rate = annual rate/annual base hours for the class or position (2080 hours for 40 hour/week base, or 1820 hours for 35 hour/week base), rounded to the nearest four (4) decimal places;
  - (b) day rate = hourly rate\* regular hours per day, rounded to the nearest two (2) decimal places;
  - (c) bi-weekly rate = day rate\*10.
- 1.2 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 nor more than the normal maximum rate provided for his class of positions, except as specifically permitted elsewhere in this Rule, or as specifically provided in the Pay Plan.
- 1.3 All appointments in the classified service shall be made at the minimum rate or such other starting rate specifically authorized by the Personnel Board, except that:
- (a) when an employee is changed from one class of work to another having a higher pay grade, whether by appointment from an eligible list or by reallocation in accord with Rule III, 3.1 of the Rules, if his salary rate at the time of change is less than five (5) percent below or is equal to or greater than the minimum rate for the class to which he is promoted, he shall, subject to availability of funds, be granted at least, a five (5) percent pay increase (not subject to absolute maximum rate limitation on the effective date of the change);
  - (b) when an employee is changed from one class of work to another having the same pay grade, he shall retain his present pay rate, subject to upward or downward adjustment by separate and specific appropriate action;
  - (c) when an employee is changed from one class of work to another having a lower pay grade, he

shall be paid his present pay rate or the maximum rate for the lower class, whichever is lesser, subject to downward adjustment by separate and specific appropriate action;

- (d) when an employee or former employee is reinstated or reemployed from a reemployment list, he may be paid at his former pay rate if it is within the appropriate current pay grade;
- (e) with the prior approval of the Director, an appointing authority may pay an employee entering into the classified Parish service through an original employment appointment or temporary employment appointment a pay rate of up to 120% of the minimum entrance rate, subject to the following conditions and limitations:
  - (1) that the appointee possesses extraordinary or superior qualifications/credentials above and beyond the minimum qualifications/credentials required which have been verified and documented as job related, and that additional pay shall be limited to five (5) percent per year of formal education or paid work experience, or other valuable qualification or credential;
  - (2) that the appointee was, or is currently, satisfactorily employed by another government jurisdiction in a capacity equivalent to the position involved, which employment has been verified, and that additional pay shall be limited to five (5) percent per year of experience;
  - (3) that the duties and responsibilities of a position require the employment of a person with qualifications/credentials that differ significantly from those normally required for other positions in the same class, and the persons who possess such qualifications are not readily available in the labor market at the minimum entrance rate in the pay grade;
  - (4) that a recruitment effort has failed to produce a full certification of candidates and the Personnel Director certifies that qualified personnel cannot be recruited at the prescribed minimum rate, and that the pay rate approved by the Director is subject to review by the Personnel Board at its next scheduled meeting;
  - (5) whenever a higher starting rate is approved and implemented based on recruiting difficulties, all current employees occupying positions in the class or classes involved whose salaries are below the new entrance rate shall be raised to the new higher rate, unless this requirement is specifically waived by the Board;
  - (6) that higher rates may be paid only with the prior approval of the Personnel Board;
  - (7) the Director shall have exclusive, final authority to validate the qualifications/credentials credited for purposes of this subsection;
  - (8) these rates may be applied to classes and positions assigned to pay grade 17 or above.
- (f) upon certification by the Personnel Director that qualified personnel cannot be recruited and hired at a prescribed normal starting pay rate, the Personnel Board may authorize employment at any rate within the established range deemed necessary and adequate, provided that whenever such a higher starting rate is approved and implemented, all current

employees occupying positions in the class involved whose salaries are below the new entrance rate shall be raised to the new higher rate, unless this requirement is specifically waived by the Board; or, may approve the reassignment of the job classification involved to an alternate pay grade deemed necessary and adequate, known as a Market Based Pay Grade.

Job classifications which are assigned market based pay grades shall be segregated and clearly identified in the Pay Plan.

The Personnel Board shall have exclusive authority to reassign job classes to and from market based pay grades as dictated by labor market factors, based upon recommendation by the Personnel Department.

For purposes of applying personnel rules governing admission to examinations, placement on lists of eligibles, certifications, appointments, promotions, transfers, and pay changes upon appointment, the original (non-market) pay grade assignment shall determine which rules are applicable for all job classes assigned to market pay grades. However, when determining the actual pay impact for the action involved, the assigned Market Based Pay Grades shall govern.

- (g) upon certification by the Personnel Director that grants funding the position require compensation above the minimum rate.

1.4 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:

- (a) 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;
- (b) any employee whose rate of pay is within the pay grade established for the appropriate class of work, shall retain that rate;
- (c) any employee whose rate of pay exceeds the maximum rate established for the appropriate class of work by not more than twenty (20) percent shall not be required to suffer a salary reduction, but shall be ineligible for any further pay increase(s) until such time as such increase(s) is permissible in accord with the provisions stipulated elsewhere in these Rules or in the Pay Plan permitting pay above the maximum rate; or is permissible as a result of an adjustment to the pay structure which has the effect of increasing the maximum rate for the grade to which a class is assigned;
- (d) any employee whose rate of pay exceeds the maximum rate established for the appropriate class of work by more than twenty (20) percent shall be required to suffer a salary reduction to a rate equivalent to 120% of the maximum rate, and shall be ineligible for any further pay increase(s) until such time as such increase(s) is permissible in accord with the provisions stipulated elsewhere in these Rules or in the Pay Plan permitting pay above the maximum rate, or is permissible as a result of an adjustment to the pay structure which has the effect of increasing the maximum rate for the grade to which a class is assigned.
- (e) as an alternative to items (a) through (d) and with prior Board approval, the salary of an incumbent employee under this section may be set at any rate of pay within the pay grade



Personnel Rules for  
the Classified Service,  
Rule IV, Section 2.4



should the employee accept a promotion to another department within three (3) years of the effective date of the increase, the employee's current salary shall be reduced by the dollar amount of this increase before computing the increase upon promotion. However, no reduction shall be made in the event that the retention increase is negated by subsequent pay plan revisions or other subsequent action and is not reinstated.

2.4 Pay increases above the normal maximum rate provided in the Pay Plan (except for across the board cost of living raises elsewhere permitted in these Rules) shall be used only as a reward and incentive for long-career and continued-merit service. To be eligible for such raise(s), an employee must have at least seven (7) years of service, and the employee's pay rate after raise shall not exceed the normal maximum rate by more than five (5) percent compounded for each three (3) years of service.

2.5 When an employee with years of service in either the Pay Plan for Fire Personnel, the Executive Pay Plan for Unclassified Employees, or Judicial Compensation and Classification Plan transfers into the Classified Pay Plan, his years of service in the other Pay Plan, are credited to him only for the purpose of determining his entitlement to longevity pay raises above the normal maximum in the Classified Pay Plan.

### Section 3. PAY REDUCTIONS

3.1 In accordance with the provisions of Rule X, an appointing authority may reduce an employee's pay rate for cause; provided, however, that the pay resulting from the reduction in no case may be less than the established minimum rate.

3.2 When an employee is demoted to a position in a class of work having a normal maximum salary rate which is lower than the employee's current pay rate, the employee's pay must be reduced to the normal maximum rate provided, unless eligibility for a longevity rate is established and approved by the Director.

### Section 4. RED CIRCLE RATES

4.1 Individual pay rates that fall above the maximum rate established for the grade become red circle rates. Such red circle rates remain in effect until the grade for a position catches up with the rate; however, eligibility for a red circle rate is lost upon demotion or separation from Parish service. Individuals whose salary rates are red circled shall not be eligible for any other pay adjustments provided for in the rules, except in the case of a cost of living adjustment recommended by the Board and granted by the Council. Red circle rates are assigned under the conditions as outlined below:

- (a) when the classification to which a position is allocated is assigned to a lower grade;
- (b) when an adjustment to the pay structure has the effect of lowering the maximum rate for the grade to which a job is assigned;
- (c) upon granting of an end-of-probation pay increase under 2.1 above, which results in an employee's pay exceeding the maximum rate;
- (d) as provided under 1.4(c) of this Rule.

Personnel Rules for  
the Classified Service,  
Rule IX, Section 2.1



## RULE IX

### HOURS OF WORK, LEAVES OF ABSENCE, ABSENCE WITHOUT LEAVE, AND RESIGNATIONS

#### Section 1. HOURS OF WORK

The work week for full-time employees in the classified service shall consist of not less than thirty-five (35) regularly scheduled working hours, exclusive of "lunch" periods, unless the employee works in a department utilizing a flexible schedule. Full-time employees working in departments utilizing a flexible schedule shall be regularly scheduled at least seventy (70) working hours per pay period. A person employed to work on a regular schedule of less than thirty-five (35) hours per week shall be considered a part-time employee for purposes of pay administration and other purposes contemplated by these Rules. An employee who works on an intermittent or variable basis, dependent upon the demand for his services, shall be considered a subject-to-call employee.

#### Section 2. ANNUAL LEAVE

2.1 Except as provided elsewhere in this rule, each eligible employee in the classified service shall earn and accumulate annual leave with pay as follows:

- (a) an employee with less than five (5) years of continuous service shall accumulate at the rate of one-half ( $\frac{1}{2}$ ) of a working day per bi-weekly pay period worked;
- (b) an employee with more than five (5) but less than ten (10) years of continuous service shall accumulate at the rate of five-eighths ( $\frac{5}{8}$ ) of a working day per bi-weekly pay period worked;
- (c) an employee with ten (10) or more years of continuous service shall accumulate at the rate of three-quarters ( $\frac{3}{4}$ ) of a working day per bi-weekly pay period worked;
- (d) leave accruals shall be in hours or decimal parts thereof commensurate with the regular base hours of work assigned to each class of work;
- (e) earned but unused annual leave credits shall be accumulated for each employee and shall be carried forward from one calendar year to the next, but the maximum amount of accumulated leave which may thus be carried forward shall be:
  - (1) Ninety (90) days, for those employees on the payroll prior to April 26, 1986, for so long as they remain continuously employed by the parish; or
  - (2) Forty (40) days for those employees hired on or after April 26, 1986.
- (f) for former unclassified employees other than employees of organizations and other persons engaged on a contractual basis, continuous service includes continuous service in an unclassified position.

2.2 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.