

APPOINTMENT, ALLOCATION OR PROMOTION APPEAL FORM

City Civil Service
1340 Poydras Street – Suite 900
New Orleans, LA 70112

NAME: _____ S.S.# _____

ADDRESS: _____

CITY & ZIP CODE: _____ PHONE#: _____

DEPARTMENT _____

CURRENT JOB CLASS: _____

PLEASE IDENTIFY THE APPOINTMENT, ALLOCATION OR PROMOTION YOU WERE DENIED:

DATE OF DENIAL _____

LIST ANY ADDITIONAL DETAILS YOU BELIEVE ARE RELEVANT:

PLEASE ATTACH ANY LETTER OR DOCUMENT THAT SUPPORTS YOUR APPEAL

FOR OFFICE USE ONLY

CSD: _____

DOCKET #: _____

CAD: _____

SCHEDULED: _____

PED: _____

H.E. _____

STATUS: _____

C.R. _____

Section 6. INVESTIGATIONS OF APPOINTMENTS AND PROMOTIONS

6.1 Procedure for Petition for Investigation

A candidate or employee, whose name appears on an employment list, may request an investigation of any appointment or promotion made from that employment list pursuant to Article X, Section 10(8) of the Louisiana Constitution of 1974 provided that:

- (a) The candidate or employee submits a written petition to the Department of Civil Service within 90 days following the appointment(s) or promotion(s) at issue;
- (b) The Petitioner(s) allege that the appointment(s) or promotion (s) were made for a non-merit-based reason(s);

The Director will decide whether to grant or deny a petition to investigate submitted pursuant to this subsection. The Director's decision to grant or deny a petition to investigate based on the criteria (a) and (b) above shall not be subject to appeal.

Procedure for Director's Investigation

If the petition to investigate is granted, the Director or any person designated by the Director will investigate the appointment or promotion at issue. Petitions regarding the same appointment or promotion may be consolidated. The appointing authority who made the appointment or promotion at issue and the appointed or promoted employee ("incumbent") shall be notified and given an opportunity to submit written memoranda and evidence. In order to facilitate collection of information, the Director may issue subpoenas and/or secure sworn testimony. Any failure on the part of an employee or appointing authority to comply with subpoenas issued by the Director in the course and scope of an investigation under this section shall be considered in contempt of the Commission and may be the subject of contempt proceedings as established in Rule 11, Section 8.1 and incorporated herein by reference.

The Director shall complete his/her investigation relative to the challenged appointment or promotion within ninety (90) days of receiving the petition to investigate, absent exceptional circumstances justifying additional time, as approved by the Chairperson of the Commission. When the Director completes the investigation, he/she shall make a decision and issue a report. The Director's report and all evidence collected during the course and scope of the investigation shall be made available to any employee or appointing authority impacted by the Director's decision.

Procedure for Appeal to Commission

Following an investigation pursuant to this subsection, the Petitioner(s), the incumbent(s) or the appointing authority that made the appointment or promotion may appeal the Director's decision to the Commission within thirty (30) days from the date they receive notice of the Director's decision. The Commission shall render a written decision on any appeal under this subsection within sixty (60) days, absent exceptional circumstances justifying additional time, as approved by the Chairperson of the Commission. The Commission may affirm, reverse, or remand for additional investigation.

Remedies

If an investigation pursuant to this subsection results in a determination that the appointment or promotion at issue was made for non-merit-based reasons in violation of these Rules or Article X, Part I of the Louisiana Constitution of 1974, the appointment or promotion at issue shall be declared void, and the incumbent(s) shall be removed from the position and returned to their previous position in the classified City Service, if any. The Director or the Commission may also order one or more of the following remedies:

- (a) The appointment or promotion of Petitioner(s), effective on the date of the original promotion decision with back pay;
- (b) The prospective appointment or promotion of any candidate whose name appears on the eligible list, and whom the Director or the Commission determines should have been promoted or appointed.
- (c) If the Director or the Commission finds that the appointment or promotion at issue constitutes a bad faith violation of these Rules or Article X, Part I of the Louisiana Constitution of 1974, the Commission may also order the appointing authority to pay the attorney's fees and costs reasonably incurred by the Petitioner(s).

All remedies ordered pursuant to this section shall take effect when the Commission's decision becomes final, pursuant to Rule II, section 4.18. In cases where the Director's decision is not timely appealed to the Commission, said decision shall be deemed to be adopted by the Commission and issued on the day after the time to appeal the Director's decision has run.

(Section 6.1 adopted August 25, 2014, effective September 1, 2014; amended July 28, 2021)