



City of New Orleans
Great Place to Work Initiative

April 21, 2014

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Rule Improvement Package

1. BETTER HIRING TECHNIQUES

1. Current Rule I. Number 9

"Band": a series of test scores, defined by a high score and a low score, which, based upon the psychometric properties of the total distribution of test scores, may be interpreted as indicative of a given level of knowledge, skill or ability for a job class.

ISSUE

Banding candidate scores masks the true examination scores from the hiring manager and creates an artificial distinction between candidates, when in fact, all candidates who pass the examination have been determined to meet the minimum requirements to be eligible for appointment. As employees are hired off the list, eventually a manager will hire the last remaining qualified candidate. It is unreasonable to prevent the first hiring managers who receive the list of candidates from interviewing and competitively selecting from all the certified qualified candidates. Deletion of this definition and the use of Bands throughout the examination and selection process is intended to provide hiring managers the opportunity to interview, give work sample performance tests, and other legally permissible selection techniques to select the best qualified candidate for the position.

RECOMMENDED RULE

2. Current Rule V. Section 2.4

The Director shall fix requirements of training, residence, age, health, skill, education, or other qualifications for admission to examination. Such qualifications must be possessed by any applicant by the final filing date for each examination unless otherwise specified on the official announcement.

ISSUE

Existing Rule does not specifically authorize appointing authority involvement in the establishment of minimum qualifications, although in practice their approval is always obtained. Recommended Rule maintains the Personnel Director's authority in setting minimum requirements for each class, but allows the appointing authority involvement in the process.

RECOMMENDED RULE

The Director shall fix minimum qualifications for training, residence, age, health, skill, education, or other qualifications for admission to examination for each class. Such qualifications must be possessed by any applicant by the final filing date for each examination unless otherwise specified on the official announcement. The Director shall seek appointing authority input in this process. No examination will open to applications until such time as the appropriate appointing authority has signed a draft of the official announcement stating the minimum qualifications and form of examination. If no agreement between the Director and appointing authority is reached on the position's minimum qualifications or proper form of examination, the issue must be brought before the Commission at the next meeting for a final decision.

3. Current Rule V. Section 5.3

Any period during which any list may remain in force may be extended by the Director for a period no longer than three years from the date of the original establishment thereof. The Civil Service Commission may extend such lists for up to an additional two (2) years.

ISSUE

Recommended Rule provides affected appointing authorities the right to request new recruitment efforts in order to obtain additional eligible candidates who are still interested in the position.

RECOMMENDED RULE

Any period during which any list may remain in force may be extended by the Director for a period no longer than three years from the date of the original establishment thereof. The Civil Service Commission may extend such lists for up to an additional two (2) years. If affected appointing authorities provide evidence to the Department that most candidates on the list are no longer interested or the examination scores of the remaining eligible candidates are below the original fiftieth (50th) percentile, an appointing authority may request and receive approval to reopen the position.

4. Current Rule V. Section 5.4 a, b, & c.

Combining lists: When establishing a list for a class for which a list already exists the following conditions shall apply: (amended July 25, 2001, amended December 14, 2009, effective January 1, 2010)

a) If the same test was used to create both lists, the names on the current and new lists shall be placed on one list arranged according to examination score. If the name of any individual appears on both the current and new lists, his standing on the combined list shall be determined by the highest score obtained on either of the examinations.

b) If the tests used to create the lists being combined are not the same, names on the new list shall precede those on the current list.

c) In any case that lists are combined, names from the current list shall be removed from the combined list at the time the current list is allowed to expire. In any case that banded lists are combined, the number of the band is considered the examination score.

ISSUE

Recommended Rule modifies references to bands, a practice which would cease under the other recommended change to Rule I Number 9. and provides a way to combine lists of eligibles. It also provides for the veterans and reinstatement candidate preference.

RECOMMENDED RULE

Combining lists: When establishing a list for a class for which a list already exists the following conditions shall apply: (amended July 25, 2001, amended December 14, 2009, effective January 1, 2010)

a) If the same test was used to create both lists, the names on the current and new lists shall be placed on one list arranged according to examination score. If the name of any individual appears on both the current and new lists, the candidate's standing on the combined list shall be determined by the highest score obtained on either of the examinations.

b) If the tests used to create the lists being combined are not the same, names on the new list shall precede those on the current list.

c) In any case that lists are combined, names from the current list shall be removed from the combined list at the time the current list is allowed to expire. In any case that former lists that include "bands" are combined, the number of the band is considered the examination score.

d) The veterans and reinstatement status shall be noted, with accompanying point or interview preference.

5. Rule V. Section 10

Title of New Rule

ISSUE

Title of Rule Added

RECOMMENDED RULE

Rule V. Section 10. WORKPLACE DIVERSITY AND INCLUSION

6. Rule V. Section 10.1

New Rule

ISSUE

Recommended rule ensures that the City's recruitment efforts encourage workplace diversity and inclusion.

RECOMMENDED RULE

10.1 The Department shall make efforts to target recruitment and promotional opportunities in order to attract qualified candidates who reflect the demographics of the city.

7. Current Rule VI. Section 1.1

Vacancies in positions in the classified service may be filled by demotion, transfer, reinstatement, reemployment, promotion, original appointment, or temporary appointment. Preference shall be given to the methods named in the order in which they are listed above, under the conditions and subject to the restrictions and limitations set forth in the Rules. A vacancy shall be considered filled under any of the methods specified, and employment hereunder effective, as of the date on which the employee enters into the duties of the position, in accordance with the Law and the Rules.

ISSUE

Recommended Rule allows the appointing authority to determine if the position is for promotion or original appointment.

RECOMMENDED RULE

Vacancies in positions in the classified service may be filled by demotion, transfer, reinstatement, reemployment, promotion, original appointment, or temporary appointment. Preference shall be given to reinstatement candidates for invitation to interview, under the conditions and subject to the restrictions and limitations set forth in the Rules. A vacancy shall be considered filled under any of the methods specified, and employment hereunder effective, as of the date on which the employee enters into the duties of the position, in accordance with the Law and the Rules.

8. Current Rule VI. Section 2.3

Request for selective certification: When an appointing authority in his request for certification of eligibles for a position has specified necessary or desirable qualifications of candidates for appointment to the position, the Director shall certify from a list of eligibles having such qualifications, if the Director deems that the request has offered satisfactory evidence that the nature of the position to be filled warrants such certification. If it is necessary to hold a new examination to establish a list of a sufficient number of persons eligible for such selective certification, the Director may authorize provisional appointment, pending establishment of the eligible list, of one of the top three eligibles on an existing list for the class, or any person who demonstrates to the satisfaction of the Director that he possesses, in sufficient degree to have a good chance of passing the examination, the special qualifications on the basis of which the selective certification procedure is to be used. The Director shall consider each request for selective certification on the basis of the facts in that particular instance. The burden of proof shall be on the appointing authority to prove to the satisfaction of the Director that selective certification is warranted. The Director may consider the cost of giving a special examination as a factor in determining whether selective certification is warranted.

ISSUE

Proposed Rule eliminates reference to the falsely objective ranking of eligibles as being of the "top three".

RECOMMENDED RULE

Request for selective certification: When an appointing authority in his request for certification of eligibles for a position has specified necessary or desirable qualifications of candidates for appointment to the position, the Director shall certify from a list of eligibles having such qualifications, if the Director deems that the request has offered satisfactory evidence that the nature of the position to be filled warrants such certification. If it is necessary to hold a new examination to establish a list of a sufficient number of persons eligible for such selective certification, the Director may authorize provisional appointment, pending establishment of the eligible list, of any one of the eligibles on an existing list for the class, or any person who demonstrates to the satisfaction of the Director that he possesses, in sufficient degree to have a good chance of passing the examination, the special qualifications on the basis of which the selective certification procedure is to be used. The Director shall consider each request for selective certification on the basis of the facts in that particular instance. The burden of proof shall be on the appointing authority to prove to the satisfaction of the Director that selective certification is warranted. The Director may consider the cost of giving a special examination as a factor in determining whether selective certification is warranted.

9. Current Rule VI. Section 3.1

Upon a request from an appointing authority to fill a position other than by demotion, transfer, or reinstatement, the Director shall certify to the appointing authority the names of three eligibles for such position of the class of the vacant position, and if more than one vacancy is to be filled, the name of one additional eligible for each additional vacancy. In cases of demotion, transfer or reinstatement, the Director shall approve or disapprove the name of the person submitted by the appointing authority.

ISSUE

Existing Rule provides for the Civil Service department to submit only three names to the appointing authority. Recommended Rule provides for the Department to submit as many qualified candidates who passed the examination as the appointing authority requests to interview in order to find the best qualified candidate.

RECOMMENDED RULE

Upon a request from the appointing authority to fill a position other than by demotion, transfer, or reinstatement, the Department shall provide to the appointing authority the names of all candidates certified by the Department to meet the minimum qualifications and have passed the examination, if any, established by the Department. In cases of demotion, transfer or reinstatement, the Director shall approve or disapprove the name of the person submitted by the appointing authority.

10. Current Rule VI. Section 3.2 (b)

The certification of eligibles from promotional and/or employment lists may be presented in the form of a single band. Names on the appropriate re-employment list, if any, shall be certified first. If fewer than three of these are willing to accept the position, then the top-ranking eligibles from the promotion list, grouped into a single band according to the established psychometric formula for that examination, shall be certified. If no promotional list exists, the same procedure shall be applied to the employment list. As those eligibles with the highest scores are eliminated through appointment or removal from the list, additional names will be added to the band as necessary to maintain the same range of scores within the band.

ISSUE

Existing Rule requires that candidates on the promotional list are given a preference over the entrance list, candidates, regardless of the results of a manager's examination of their merit. Recommended Rule provides for the appointing authority to evaluate the merit of the candidates.

RECOMMENDED RULE

The certification of eligibles from promotional, reemployment and/or employment lists shall be presented in order of the examination score, when competitive, on the same register and noted by the appropriate category so that reinstatement candidates will be given preference through an interview and promotional candidates will receive additional consideration.

11. Current Rule VI. Section 4.1

Reemployment lists shall consist of the names of persons who were separated from their positions for reasons other than fault or delinquency on their part, except as provided in Rule IX, and who, at the time of their separations, had attained permanent status in that class of positions in accordance with the Law and Rules. The order in which these names shall be ranked on the reemployment list shall be in accordance with their number of years of continuous city employment in that class of positions. In case two or more employees have equal service in that position, the person who has the greatest number of years of continuous service in city employment shall be ranked highest. Except as allowed in Rule XII, Section 6.1, no person may be certified from a reemployment list or be reinstated who has voluntarily retired; provided, however, a person who has voluntarily retired may be reinstated, with the approval of the Personnel Director, only to the position he last held, and in the event of his reinstatement, said employee waives all pension rights while so employed.

ISSUE

Existing Rule provides additional ranking preference to candidates on the reemployment list for length of service. Recommended Rule allows for the appointing authority to evaluate candidates in the reemployment list for merit.

RECOMMENDED RULE

Persons who were separated from their positions for reasons other than fault or delinquency on their part, except as provided in Rule IX, and who, at the time of their separations, had attained permanent status in that class of positions in accordance with the Law and Rules should be noted on lists of eligibles with their number of years of continuous city employment and years of service in that class of position and be provided an interview. Except as allowed in Rule XII, Section 6.1, no person may be certified from a reinstatement list or be reinstated who has voluntarily retired; provided, however, a person who has voluntarily retired may be reinstated, with the approval of the Personnel Director, only to the position he last held, and in the event of his reinstatement, said employee waives all pension rights while so employed.

12. Current Rule VI. Section 4.3

Preferred reemployment lists shall precede general reemployment lists in certification, provided that persons on such lists meet the requirements and qualifications, to be determined by the Director, to perform the duties of the position involved.

ISSUE

Proposed Rule eliminates reference to ranking reemployment candidates above other preferred candidates, such as veterans.

RECOMMENDED RULE

Civil Service shall identify the preferred status of all candidates on a certified list of eligible candidates. Appointing authorities must select the best qualified candidate for the position, whether an original entrance, promotional, veteran, or reinstatement candidate. Preference shall be given first to reinstatement candidates by invitation to interview. Veterans shall receive the point preferences provided on examinations in Rule XIII.

2. BETTER CAREERS

13. Current Rule V. Section 5.1

On every competitive promotion list and employment list, the eligibles shall be ranked in the order of their ratings earned in the examination given for the purpose of establishing the list. The Director may determine that ratings earned in the examination shall be divided into bands. Bands shall be established based on psychometric properties of the test score distribution or on job analysis information. All scores falling within a given band shall be considered tied.

ISSUE

Existing Rule results in ordered ranking often based solely on tests which do not necessarily result in the hiring of the best qualified candidate. Recommended Rule deletes references to falsely objective rankings based on test scores in favor of a competitive, merit-based selection that gives preference to veterans and former

employees, and allows the appointing authority to select the best qualified candidate who meets the qualifications for the position.

RECOMMENDED RULE

On every competitive promotion list and employment list, the eligibles shall be ranked in the order of their ratings earned in the examination given for the purpose of establishing the list. Veterans shall receive a ten (10) or five (5) point preference as described in Rule XIII. Existing employees, and former employees eligible for reinstatement will be noted for preference in receiving an interview. All candidates certified on the list shall be considered equally suitable for appointment.

14. Current Rule V. Section 5.2

The Director shall determine at the time any promotion list or employment list is established, the period during which the list shall remain in force, which shall not be less than one year nor more than three years at the discretion of the Personnel Director.

ISSUE

Recommended Rule provides affected appointing authorities the right to request new recruitment efforts in order to obtain additional eligible candidates who are still interested in the position.

RECOMMENDED RULE

The Director shall determine at the time any promotion list or employment list is established, the period during which the list shall remain in force, which shall not be less than three months nor more than three years at the discretion of the Personnel Director, in cooperation with the affected appointing authorities for departmental specific classifications and sub-headings. If no agreement between the Director and appointing authority is reached, the issue must be brought before the Commission at the next meeting for a final decision.

15. Current Rule V. Section 5.6

Promotion lists: Such lists may be established on a service-wide, or a departmental-wide basis as determined by the Director in cooperation with the appointing authorities.

ISSUE

Recommended Rule allows the appointing authority, in addition to the Personnel Director, to determine in advance whether or not to recruit from within the department or service-wide and to establish the necessary qualifications for the position.

RECOMMENDED RULE

Promotion lists: Such lists may be established by the Department on a service-wide or a departmental-wide basis, as determined by the affected appointing authorities. An appointing authority, in cooperation with the Department, may set any training and/or testing requirements for promotions for employees based on the class and qualifications for the relevant position. Before any appointment or promotion, the individuals on the list must be certified or rejected for cause by the Department.

16. Rule V. Section 5.7

New Rule

ISSUE

Recommended rule defines a process for promotion that already occurs in practices within a job series.

RECOMMENDED RULE

Upon certification by the Department, an appointing authority may directly promote employees when justified by merit, fitness and efficiency to a new job class within their job series, provided the employee has been determined by the Department to meet the qualifications and pass the examination for the higher class and certified by the Department. In such cases, the employee shall start at the minimum of the new salary range or receive a five (5) percent salary increase, whichever is greater.

3. BETTER PAY

17. Current Rule IV. Section 2.2

Subject to the prior approval of the Director, an appointing authority may grant an increase within the pay range to any employee given a special assignment for a limited term within his class of positions, provided that there shall be a corresponding pay reduction at the completion of the special assignment. A written notice of the intention to effect a reduction in pay on the completion of the special assignment shall be given to the employee when the increase is granted. Increases and reductions in pay shall be reported to the Director in such manner as he may prescribe.

ISSUE

Existing Rule requires prior approval for increases and corresponding decreases in pay for special assignments. Recommended Rule requires these pay changes to be approved by the Chief Administrative Officer, or other budgetary authority for other agencies, and reported to the Personnel Director, so that the Personnel Director may investigate the use of all special assignment pay and rescind it if invalid. Special assignment pay is for a limited term and may require faster action (such as in the case of emergencies). Eliminating the prior approval of the Personnel Director expedites the process, but the Personnel Director would maintain the ability to rescind special assignment pay if unwarranted.

RECOMMENDED RULE

An appointing authority may grant an increase within the pay range to any employee given a special assignment for a limited term within his class of positions, provided that there shall be a corresponding pay reduction at the completion of the special assignment. A written notice of the intention to effect the increase in pay as well as the reduction in pay on the completion of the special assignment shall be given to the employee when the increase is granted. Increases and reductions in pay must be reported to the Department in such manner as prescribed.

18. Current Rule IV. Section 2.5(a)

The rate of pay for any employee in a classified position may be advanced by action of the appointing authority, subject to the following limitations: (a) The total of these increases given in a calendar year shall be budgeted for each organization unit at an amount equal to 1.25% of the combined base rates (as defined in

Rule I, Number 10) of pay of all permanent positions filled in the organization unit as of January 1 of that year. These increases shall not exceed this amount without the approval of the Commission.

ISSUE

Existing Rule limits pay increases to 1.25% of the combined base rates. Recommended Rule allows for performance based base pay increases up to 5% in years when the budget allows and employees have not received substantial pay increases due to budgetary constraints in prior years. The Recommended Rule also allows for performance increases less than 5% in years with budget constraints, but no longer permits the City to continue to deny raises to all employees.

RECOMMENDED RULE

The rate of pay for any employee in a classified position may be advanced by action of the appointing authority, subject to the following limitations: (a) The total of these increases given in a calendar year shall be budgeted equally for each organization unit at an amount not less than 0.5% and up to 5% of the combined base rates (as defined in Rule I, Number 10) of pay of all permanent positions filled in the organization unit as of January 1 of that year.

19. Current Rule IV. Section 2.5(b)

Such advances shall be effective thirty (30) days after the receipt by the Commission of suitable documentation evidencing personal evaluation of the individual employee and detailing specific justification for the individual employee's entitlement to such an increase. Documentation shall include information on job performance, attendance, compliance with city regulations and disciplinary record.

ISSUE

Recommended Rule replaces the Commission with the Civil Service Department in order to reduce ambiguity regarding the length of time between receipt of suitable documentation and the effective date of the pay advance.

RECOMMENDED RULE

Such advances shall be effective thirty (30) days after the receipt by the Department of suitable documentation evidencing personal evaluation of the individual employee and detailing specific justification for the individual employee's entitlement to such an increase. In no case shall an increase in the rate of pay for any individual employee exceed 10% in any fiscal year. Documentation shall include information on job performance, attendance, compliance with city regulations and disciplinary record.

20. Current Rule IV. Section 2.6

Special Entrance Rate (Hiring Rate) (a) Special rates of compensation for classifications of work may be authorized to address employment problems resulting from recruitment and/or retention difficulties. Such advances may be authorized by the Personnel Director up to the first quartile in the salary range subject to the following criteria: The appointing authority has submitted a written request to the Director detailing the scope of the problem and its impact on the agency's ability to perform. 2. The Director has received verification from the appointing authority and the Chief Administrative Officer that funds are available for such increases. No such rates will become permanent until approved by the Commission at its next scheduled meeting. (b) Advances above the first quartile and up to the midpoint in a salary range may be authorized by the Civil Service Commission, provided the appointing authority has met the criteria listed above and the Personnel Director has

recommended the establishment of appropriate special rates of compensation after reviewing all aspects and ramifications of the matter. (c) Advances above the midpoint rate in a salary range will not be allowed unless an appointing authority can demonstrate that the competitive market justifies such compensation. These advances may not take effect until they are approved by the Civil Service Commission and the City Council.

ISSUE

Existing Rule limits the use of the full pay range in the pay plan and requires the Civil Service Director, Commission or City Council to approve in advance hiring above the minimum for recruitment/retention difficulties. By the time such approval is granted, candidates in competitive fields often accept a job offer from another employer. Recommended Rule provides a high degree of oversight, but allows for faster hiring and retention of experienced employees under recruitment/retention difficulties.

RECOMMENDED RULE

Pay above the minimum for recruitment/retention difficulties.

(a) Hiring and paying above the minimum salary in order to address employment problems resulting from recruitment and/or retention difficulties may be authorized for an employee by the appointing authority not to exceed the midpoint of the pay range, or up to the maximum of the pay range in extraordinary circumstances, provided that:

1. Appointing authority documents employment problems resulting from recruitment and/or retention difficulties and maintains detailed objective analysis of rationale for hiring above the minimum.

2. Appointing authority receives appropriate approvals established by the Chief Administrative Officer, or other budget authority for participating agencies, in advance and reports the action to the Department in such manner as prescribed.

(b) The salaries of all current probationary and permanent employees who occupy positions in the same job classification who perform the same job function with recruitment/retention difficulties and who possess the same qualifications/credentials should be adjusted up to, but not to exceed, the rate granted to that employee, provided that the qualifications/credentials are also verified and documented as job related. These adjustments shall only be made on the same date that the higher pay rate is given to that employee. Such increases above the minimum salary shall be subject to revocation by the Commission if appointing authority is found to have not complied with these Rules.

21. Current Rule IV. Section 2.7

Extraordinary Qualifications / Credentials (a) If an applicant who is eligible for appointment under the provisions of Rule V of these Rules possesses extraordinary or superior qualifications / credentials above and beyond the minimum qualifications / credentials, an appointing authority may request that the Director of Personnel authorize pay to the employee at a rate above the minimum provided that: Such superior qualifications / credentials are verified and documented as job related. 2. The rate is requested on or before the hire date. 3. The rate requested does not exceed the midpoint of the range for the affected job. 4. The rate is implemented in accordance with written policies and procedures established by the Department. 5. The appointing authority has received the budget approval of the Chief Administrative Officer. (b) The salaries of all current probationary and permanent employees who occupy positions in the same job classification and who possess the same or equivalent qualifications/credentials may be adjusted up to but not to exceed the rate granted to the newly hired employee provided that the qualifications/credentials are also verified and documented as job related. Such adjustments shall only be made on the same date that the higher pay rate is

given to the newly hired employee. (c) All such increases must be approved by the Commission at its next scheduled meeting after action was taken by the Director.

ISSUE

Existing Rule requires Civil Service staff and Commission to approve in advance hiring above the minimum for exceptional qualifications. This limits the use of the full pay range in the pay plan. Recommended Rule provides a high degree of oversight, but allows for faster hiring for applicants with superior qualifications and credentials, as well as mechanisms to ensure equitable pay for existing employees.

RECOMMENDED RULE

Hiring above the minimum for superior qualifications / credentials (a) If an applicant who is eligible for appointment under the provisions of Rule V of these Rules possesses extraordinary or superior qualifications / credentials above and beyond the minimum qualifications / credentials, an appointing authority may pay the employee at a rate not to exceed the midpoint of the pay range, or up the maximum of the pay range under extraordinary circumstances, provided that:

1. Appointing authority verifies and documents such superior qualifications / credentials as job related and an objective analysis of the public benefit rationale for hiring above the minimum.
2. Appointing authority submits to the Chief Administrative Officer, or other budget authority for participating agencies, for consideration whether the increase would obligate the city to higher costs in that fiscal year or the following year, including potential effects on the salaries of other personnel to ensure equitable pay policies.
3. Appointing authority receives appropriate approvals established by the Chief Administrative Officer, or other budget authority for participating agencies, in advance and reports the action to the Department in such manner as prescribed.

(b) The salaries of all current probationary and permanent employees who occupy positions in the same job classification who perform the same job function and who possess the same qualifications/credentials should be adjusted up to, but not to exceed, the rate granted to that employee, provided that the qualifications/credentials are also verified and documented as job related. These adjustments shall only be made on the same date that the higher pay rate is given to that employee. Such increases above the minimum salary shall be subject to revocation by the Commission if appointing authority is found to have not complied with these Rules.

4. BETTER PROCESSES

22. Current Rule VI. Section 2.1

Whenever an appointing authority proposes to fill a vacancy in the classified service, he shall submit to the Director a statement showing the position to be filled and the class and duties thereof, and he may also specify the necessary and desirable qualifications of the person to be appointed thereto.

ISSUE

Recommended Rule revises the process for requesting to fill a vacancy for efficiency purposes.

RECOMMENDED RULE

Whenever an appointing authority proposes to fill a vacancy in the classified service, the appointing authority shall submit to the Department a statement showing the position to be filled, the duties thereof, the necessary and desirable qualifications of the person to be appointed thereto, and the proposed class, if known. The Department shall grant approval of the position allocation within seven (7) days for existing classifications and fifteen (15) days for new classifications, exclusive of Commission approval. The Department shall announce the vacancy within thirty (30) days of an approved allocation. The Department shall not withhold reasonable approval of the request unless it can demonstrate that the request violates the principles of the merit system. For the purposes of allocating positions to a class, the Department shall interpret the existing classes broadly, including waiving supervisory requirements and allowing appointing authorities to use classes it has not used previously, as necessary. If the appointing authority and the Director disagree on the position's minimum qualifications or the class allocation and are unable to resolve their disagreement, the issue must be brought before the Commission for resolution.

23. Current Rule VI. Section 3.2

(a) The eligibles certified shall be the highest ranking eligibles willing to accept employment, ranked in the following order: (1) all the eligibles on the appropriate reemployment list, if any; (2) those on a promotion list, if any; (3) those on an entrance employment list. All the names on any one of such lists shall be exhausted before any names are certified from another list, but the names certified may be taken from two or more lists if necessary to make a certification of three eligibles. Names shall be certified from each list in the order of their rank on that list.

ISSUE

Existing Rule requires a preference for promotional candidates. Recommended Rule allows the appointing authority to determine the best recruitment strategy for the position, whether as a promotional opportunity or as an original entrance opportunity.

RECOMMENDED RULE

(a) The appointing authority shall determine whether to recruit from existing eligible employees or from both existing eligible employees and external candidates. The appointing authority shall decide in advance whether to give existing eligible employees any preference in the selection process or have them compete on an equal basis with external candidates. If the appointing authority has chosen to include external candidates but give existing employees preference, both categories should be on the same list with existing employees noted and the Department shall certify the eligible candidates. However, the appointing authority may appoint a candidate from anywhere on the list.

24. Current Rule VII. Section 1.2

If the duration of the working test period is not stated at the time of the announcement of the test for a class of positions, the working test period shall be six (6) months in duration.

ISSUE

Existing Rule creates a default probationary period of six (6) months. Recommended Rule ensures that the maximum period for probationary status is one year and mandates that the Chief Administrative Officer, or other budget authority for participating agencies, create a system of performance measurement so that employees receive useful feedback within their first year of employment.

RECOMMENDED RULE

If the duration of the working test period is not stated at the time of the announcement of the test for a position, the working test period shall be six (6) months in duration. No extension shall be allowed which would make the total working test period longer than one (1) year in the same position under the same appointing authority. The Chief Administrative Officer, or other budget authority for participating agencies, shall establish a system of performance measurement, which shall provide reliable data about the performance of each new employee within their first six (6) months. Supervisors of probationary employees who are still employed after three (3) months shall be required to perform an employee performance assessment at three (3) months, so the employees understand how they are performing and whether and how they need to improve under a performance improvement plan.

25. Current Rule XI.

SERVICE RATINGS

ISSUE

Title of Rule

RECOMMENDED RULE

PERFORMANCE MANAGEMENT

26. Current Rule XI. Section 1.1

A uniform service rating system for all organization units is established, which system shall include provisions for periodic rating of employees on the basis of performance. The Director shall prescribe the form on which service ratings are to be made, and each organization unit shall use the form prescribed by the Director in accordance with these Rules and the instructions given on the official form and its accompanying manual.

ISSUE

Recommended Rule replaces the Service Ratings sections in its entirety and replaces it with new Sections entitled Performance Management and Pay for Performance System. This Rule sets forth the basic elements of the system and how it is to be implemented.

RECOMMENDED RULE

A performance management system for all organization units is established, which system shall provide periodic reports to employees regarding their performance and the development of performance improvement plans, if applicable. The system shall provide for goal-setting for each employee and/or team of employees, appropriate performance measures, and work strategies or assignments for which results can be measured through objective performance data, including customer satisfaction data if applicable. The system shall also provide for employee self-evaluation, supervisor feedback, performance improvement mechanisms, and, if desired by the appointing authority, peer or subordinate feedback.

27. Current Rule XI. Section 1.2

The service rating period July 1, 1982 - June 30, 1983 is extended by six months to December 31, 1983. As of January 1, 1984, and annually thereafter, the appointing authority of each organization unit shall have a

service rating made of each regular (permanent) employee in that organization unit who has worked in the classified service during that rating period. However, if the employee has not worked for the current appointing authority for at least ninety (90) days during the rating period, the employee shall be rated by the appointing authority under whom the employee has most recently worked for at least ninety (90) days during the rating period. If the employee has not worked under any appointing authority for at least ninety (90) days, he shall be rated by the current appointing authority. Service ratings shall be made by the supervisor designated by the appointing authority as the individual most familiar with the employees work during the rating period. Such service ratings shall be prepared for all regular employees, including those currently serving in Emergency, Transient, Provisional or Probationary appointments. The service rating shall be discussed with the employee, and after such discussion the employee shall sign the rating, but this act of signing shall be evidence only of the fact that the rating has been submitted to the employee and discussed with the employee. Any refusal to sign shall be so noted on the official rating form. A rating made by the supervisor and signed by the employee shall then be reviewed by the appointing authority or the designated agent. The appointing authority or designate shall sign the rating as presented or as corrected and, when thus signed by the appointing authority or designate, the rating shall become effective as the official service rating of the employee for the period indicated thereon. Any modification by the appointing authority of the supervisor's rating of the employee shall be communicated to the employee and the supervisor.

ISSUE

Recommended Rule provides the Chief Administrative Office, or budget authority for participating agencies, with direction to administer a citywide performance system and departmental plans. It also sets requirements for supervisors to communicate with employees.

RECOMMENDED RULE

The Chief Administrative Office, or budget authority for participating agencies, shall provide policies, instructions, and appropriate forms in specific formats that may be tailored to departmental needs. The Chief Administrative Office, or budget authority for participating agencies, shall oversee and ensure compliance with the system, and appointing authorities shall have responsibility for administering the performance management system in their departments. The Chief Administrative Office, or budget authority for participating agencies, review and approval of the performance goals is required. The Chief Administrative Office, or budget authority for participating agencies, shall provide training, advice and assistance to departments and serve as a source of expertise. Goals, performance measures, performance data collected and utilized within the system, and performance assessments shall be provided to individual employees at least annually and that employee's input shall be sought as part of the process.

28. Current Rule XI. Section 1.3

The appointing authority shall submit the original copy of the completed service rating and a certified list of the employees who were rated to the Civil Service Department not later than March 1st of each year. If an appointing authority cannot submit an employee's evaluation by March 1, that appointing authority shall submit, by March 1, a written request for an extension to the Personnel Director stating the reason the rating was not submitted and the date the rating will be submitted, which will be prior to April 1. The majority of the department's ratings must be submitted by March 1, to be granted this grace period. If an appointing authority fails to submit an employee's evaluation by March 1 and has not requested or received an extension to April 1 or fails to submit the rating by April 1 after an extension has been granted, the appointing authority will be in violation of this Rule and subject to sanctions by the Commission.

ISSUE

Recommended Rule details appointing authority responsibilities for providing documentation and for meeting deadlines established by the Chief Administrative Office, or budget authority for participating agencies.

RECOMMENDED RULE

The appointing authority must provide a copy of the completed performance management forms and any other documentation required, as set forth in the procedures and within the timeframes provided by The Chief Administrative Office, or budget authority for participating agencies.

29. Current Rule XI. Section 1.4

There shall be five possible service ratings, one of which shall be used in rating each employee. The service ratings are: "Outstanding", "Exceeds Requirements", "Competent", Needs Improvement, and "Unsatisfactory".

ISSUE

Recommended Rule eliminates a description of service ratings because it is unnecessary under the proposed new performance system. Recommended Rule also establishes a new requirement that the City provide management training to all supervisors in order to support an effective evaluation system.

RECOMMENDED RULE

The Department and the Chief Administrative Office, or other budget authority for participating agencies, shall collaborate to provide management training for all supervisors in order to support an effective performance management system.

30. Current Rule XI. Section 1.5

Only those employees who receive an overall rating of "Unsatisfactory" or "Needs Improvement" shall have a right of appeal to a service rating appellate board consisting of three members which the appointing authority shall designate to hear such appeal. The appointing authority shall notify an employee, in writing, of an overall "Unsatisfactory" or Needs Improvement rating and shall inform the employee, in writing, of the employee's right to appeal the rating. Within thirty (30) days after receiving official notice of the "Unsatisfactory" or "Needs Improvement" rating, an appeal, if desired, must be made in writing by the employee, specifying what the rating should be and the reasons therefore. Within thirty (30) days after the filing of such appeal, the appellate board shall hear the appeal, have prepared an official transcribed or taped record of the proceedings, render a written decision either sustaining or modifying the rating which has been appealed and forward a copy to the employee and to the Personnel Director.

ISSUE

Recommended Rule eliminates a description of appeal rights based on service ratings because it is unnecessary under the proposed new performance system. An employee who is disciplined because of poor performance will be able to appeal that action, as described in the appeals section. Written performance feedback under the performance management system is not an adverse action taken to punish an employee to correct, improve, prevent or stop unacceptable job performance or behavior.

RECOMMENDED RULE

Delete Rule.

31 Current Rule XI. Section 1.6

After a final written decision of the appointing authority has been rendered, an employee whose overall rating remains "Unsatisfactory" or "Needs Improvement" may appeal to the Personnel Director for a further review of the service rating. The appeal to the Personnel Director shall be based solely on the official record established at the hearing of the appeal before the appellate board. A written appeal to the Personnel Director must be filed by the employee within thirty (30) days of the effective date of the decision of the appellate board. After review, a written notice of the final decision of the Personnel Director shall be provided to the employee and to the appointing authority.

ISSUE

Recommended Rule eliminates a description of appeal rights based on service ratings because it is unnecessary under the proposed new performance system. An employee who is disciplined because of poor performance will be able to appeal that action, as described in the appeals section.

RECOMMENDED RULE

Delete Rule.

32. Current Rule XI. Section 1.7

Once the "Unsatisfactory" or "Needs Improvement" rating has been determined to be final, the work performance of an employee who received the "Unsatisfactory" or "Needs Improvement" rating shall be reviewed by the appointing authority for a period of ninety (90) days. At the conclusion of this review period, the appointing authority must state in writing to the employee and to the Personnel Director whether or not the employee's work performance has improved. If, upon review, the work performance has not improved, the appointing authority shall take appropriate disciplinary action under the provisions of Rule IX.

ISSUE

Recommended Rule describes the timelines for monitor performance improvement and maintaining the standards of service under the merit system. An employee who is disciplined because of poor performance will be able to appeal that action, as described in the appeals section. Renumber to Rule XI. Section 1.4.

RECOMMENDED RULE

Once poor work performance of an employee has been established, the appointing authority shall monitor the employee's performance for a period of at least thirty (30) days and not more than ninety (90) days. At the conclusion of the review period, the appointing authority must state in writing to the employee and to the Personnel Director whether or not the employee's work performance has improved. If, upon review, the work performance has not improved, the appointing authority shall take appropriate disciplinary action under the provisions of Rule IX.

33. Rule X. Section 1.6

New Rule

ISSUE

Recommended rule ensures that the City reports annually on its efforts to ensure equal employment opportunities.

RECOMMENDED RULE

The Department shall provide the necessary employment statistics regarding hiring, promotions, and pay increases to the City annually. The City shall analyze this information and develop an Inclusion Index, which shall measure the City's employment opportunities and advances by race, ethnicity, sex, and age. This report shall be in addition to any other reporting mandated by other federal, state, and local laws. As of the effective date of this Rule, the Department shall provide the relevant baseline data to the City for the previous fiscal year.

5. BETTER TRAINING

34. Current Rule VIII. Section 4.2

When an employee is authorized or assigned to attend a conference, convention, training program directly related to the employee's work or the work of the employee's department, or training program that is part of a Civil Service Department authorized employee growth and development program, no leave shall be reported and the employee shall be considered as working. All regular employees shall be allowed to take at least one course per month of available authorized Civil Service Department training, if such training is being taken as a requirement for a Civil Service Department promotional examination. Employees elected or appointed as trustees as defined by LA R.S. 9:1781 et seq, on any public employee retirement system's governing board, shall be given time off, subject to the approval of the appointing authority, without loss of pay when engaged in administrative or educational activities required to fulfill their statutory responsibilities as fiduciaries.

ISSUE

Recommended Rule encourages training and professional development by allowing employees to take at least one training per month regardless of intent to take a promotional exam.

RECOMMENDED RULE

When an employee is authorized or assigned to attend a conference, convention, training program directly related to the employee's work or the work of the employee's department, or training program that is part of an authorized employee growth or development program, no leave shall be reported and the employee shall be considered as working. All regular employees shall be allowed to take at least one course per month of available authorized training, subject to supervisor approval, which shall not be unreasonably withheld. In any case, appointing authorities shall approve at least four (4) training opportunities for employees each year. Employees elected or appointed as trustees as defined by LA R.S. 9:1781 et seq, on any public employee retirement system's governing board, shall be given time off, subject to the approval of the appointing authority, without loss of pay when engaged in administrative or educational activities required to fulfill their statutory responsibilities as fiduciaries.