

RULE III

CLASSIFICATION PLAN

(amended May 9, 1956, July 22, 1975, August 9, 1979, July 8, 1982, July 12, 1984, February 13, 1986, September 27, 1990, August 22, 1996, June 26, 1997, April 29, 1999, January 25, 2001, September 17, 2007)

Section 1. CREATING CLASSES AND ALLOCATING POSITIONS

- 1.1 Whenever, in the opinion of the Director, there is necessity for establishing a new class, or revising or abolishing an existing class in the classification plan, he may anticipate formal action of the Commission by adding the new class or revising or abolishing an existing class. Such action shall be subject to ratification by the Commission at its next regular meeting.
- 1.2 Subject to approval by the Personnel Director, whenever a job series is affected by the creation, revision or abolishment of a job class, any regular employee having obtained permanent status in a higher job class in a job series shall for purposes of reinstatements, qualifying for examinations, and layoffs be considered as having permanent status in all lower job classes within that series or a related class of positions. (amended April 29, 1999)
- 1.3 Hearings on appeals from allocations: If any employee believes that his position has been improperly allocated, he may protest the allocation by presenting such forms or documents as the Director may prescribe. The Director or any person designated by him may hold special hearings to determine the facts of each case and the Director shall make his decision on the basis of the written statements and forms presented by the employee and on the facts brought out in the hearing. The employee shall have the right to appeal to the Commission if dissatisfied with the action of the Director.

Section 2. FORCE AND EFFECT OF CLASSES

- 2.1 The specification of the classes of position in the classification plan, and their various parts, shall have the following force and effect:
 - (a) In a class specification, the use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality.

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- (b) In determining the class to which any position should be allocated, the class specification shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualifications requirements, and relations to other classes, as together affording a picture of the kind of employment that the class is intended to embrace.
- (c) Qualifications commonly required for positions of different classes such as acceptable physical condition, residence within the City of New Orleans (except when waived), honesty, sobriety, and industry shall be deemed to be implied as qualification requirements for entrance to each class even though they are not specifically mentioned in the specifications.
- (d) The code number assigned to each class of positions by the Civil Service Department may be used in all official records of the City in place of the actual title.

(Section 2.1 amended February 13, 1985, effective January 13, 1986)

Section 3. STATUS OF INCUMBENT WHEN POSITION IS REALLOCATED

- 3.1 Subject to approval by the Civil Service Commission, when a position is reallocated to another class because of a gradual change in its duties and the Director deems it impracticable to hold a competitive examination to fill the position, the incumbent, if a regular employee, may continue to occupy the position under the other classification on a permanent basis provided he/she meets the minimum qualifications for that position.

Section 4. TEMPORARY WORK IN A HIGHER CLASSIFICATION

- 4.1 Subject to the approval of the Director, whenever a regular employee occupying a position in a non-exempt classification is required by the appointing authority to temporarily perform, on a full-time basis, duties in a vacant full-time position of another classification having a higher pay grade, the employee shall be entitled to receive additional compensation subject to the following conditions:
 - (a) The position to which the employee is to be assigned must be a budgeted vacancy. A budgeted vacancy is defined as a full-time position which has been authorized by the Chief Administrative Office and given an official position control number, and in which there is no incumbent in official pay status.

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- (b) The employee must have completed five (5) full working days in a calendar year in any budgeted vacancy within a class before eligibility for payment can commence.
- (c) The rate of pay for work performed in a higher classification may be up to the minimum monthly rate for that classification, depending upon the employee's qualifications. However, if the employee's monthly salary exclusive of longevity is at or above the minimum for the higher classification or if increasing the employee's salary to the minimum of the higher class would result in an increase of less than five percent (5%), a pay increase of five percent (5%) shall be authorized for the eligible time spent in the higher class. (amended July 12, 1984, effective August 1, 1984, amended September 17, 2007, effective October 1, 2007).
- (d) If, while performing work in a higher classification, the employee is separated from the service, any payment of terminal leave shall be paid in accordance with the employee's rate of pay in his or her permanent (primary) classification.
- (e) If a budgeted vacancy occurs and an appropriate employment list is available for certification, the appointing authority shall not require an employee to work temporarily in the higher classification, but rather must submit appropriate personnel forms to fill the vacancy on a permanent basis.
- (f) In the absence of an appropriate employment list, the appointing authority may designate an employee to work temporarily in a higher classification, provided the selection criteria is fair, equitable and uniform in application. When an appropriate employment register is subsequently established, and the appointing authority has an employee temporarily working in a higher classification, the appointing authority must submit appropriate personnel forms and fill the position on a permanent basis within thirty (30) calendar days of the date that the register is established.
- (g) Additional credit on promotional examinations cannot be obtained for work performed on a temporary basis in a higher classification; nor can the appointing authority reduce the length of the probationary period of any employee who temporarily served in a higher classification and subsequently is promoted to that classification from a Civil Service register.

(Section 4.1 (a)-(g), adopted August 9, 1979, effective the first pay period in 1980 per City Council Motion #—79 236)

Section 5. DUAL ASSIGNMENTS

- 5.1 The prior approval of the Personnel Director is required before any designation of duties constituting a dual assignment is permitted.
- 5.2 Prior to appointment in a dual assignment, the employee proposed for the assignment must satisfy all minimum qualification requirements for that classification as determined by the Civil Service Department, including possession of any license or certificate required for positions allocated to that classification.
- 5.3 No employee shall perform in a dual assignment on a full-time basis. Dual assignments are granted only to compensate employees for work done on an occasional or intermittent basis. Any position temporarily vacated for more than three months must be filled with a conditional or temporary appointment in accordance with Rule VI, Section 5.
- 5.4 Payment of annual leave, sick leave, terminal leave and designated city holidays shall be in accordance with the employee's pay rate in his or her primary classification.
- 5.5 The rate of pay for work performed in an authorized dual assignment shall be the minimum monthly rate or authorized hiring rate for that classification. However, if the proposed dual assignment is in a class with a higher pay grade than his or her primary classification and the employee's rate of pay is equal to or exceeds the minimum or authorized hiring rate for the proposed dual assignment, a pay increase of five percent (5%) shall be authorized for all time worked in the assignment. (amended September 27, 1990)

(Section 5.1 - 5.4 adopted July 12, 1984, effective August 1, 1984, amended April 29, 1999)

Section 6. CONTRACTS (adopted January 25, 2001, effective February 1, 2001)

- 6.1 Jobs that are necessary for the discharge of the functions of City agencies, boards and commissions as those functions are defined by the Home Rule Charter of the City of New Orleans and the Constitution and laws of the State of Louisiana are presumed to be included in the classified service unless specifically excluded therefrom by Article X, Section 2 of the Louisiana Constitution of 1974 or the Rules of this Commission. All persons who provide services to the City of New Orleans or its agencies, boards and commissions, under conditions the Commission determines constitute an employment relationship shall, unless specifically excluded therefrom by Article X, Section 2 of the Louisiana Constitution of 1974 or the Rules of this Commission, be retained under an appropriate civil service appointment.
- 6.2 All contracts for personal or professional services, and amendments thereto, shall be reviewed and approved by the Director well in advance of their effective dates to insure compliance with the Civil Service Law and to determine whether such services should be provided within the classified service. Such contracts shall become effective only when approved by the Director. When so approved, they may thereafter continue for a period not to exceed one (1) year from the effective date of the contract.

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- 6.3 Contracts for personal or professional services and amendments thereto shall be approved only when such services require unique or specialized skills not presently required of positions in the classified service, or where such services cannot be provided within the classified service. However, if later it is determined that such services are required beyond the original terms or scope of the contract or that such services could then be provided within the classified service, the Director may take appropriate steps to incorporate such functions into the classified service, with compensation corresponding to the pay grade specified for comparable positions in the classified pay plan. (amended September 27, 1990)
- 6.4 All contracts for personal or professional services and amendments thereto, first shall be transmitted to the Civil Service Department for initial consideration and review, and again for final approval after all other aspects of contractual review have been completed. A copy of the approved contract shall be kept by the Civil Service Department for the duration of the agreement.
- 6.5 No proposal to privatize any function of any City agency, board and commission shall be binding or effective until approved by the City Civil Service Commission. All proposals for the privatization of a function of a City agency, board and commission and laws shall meet the following minimum criteria:
- (a) Any contract for privatization of a governmental service shall contain a provision that thoroughly explains the effects of privatization on the status of current employees, as well as any specific contractual commitments entered into by the parties, which affect the interests of the displaced employees.
 - (b) Any contract for privatization of a governmental service shall contain an additional provision which has the effect of prohibiting unlawful discriminatory treatment of employees.
 - (c) Any contract for privatization of a governmental service shall contain an additional provision which affords regular employees an opportunity for a full and fair hearing prior to any disciplinary action.
 - (d) Employees who choose to remain in the classified service of the City may request the City Civil Service Commission to invoke the application of Rule XII, Layoffs, in order to preserve their classified status.
 - (e) Commission approval of a contract for privatization shall be effective only for the term of the contract actually reviewed.
 - (f) A copy of the proposed contract, and such other evidence to be presented to the Commission to justify the necessity for privatization, shall be reviewed with the Commission at a public meeting. The Commission shall not approve the contract prior to a subsequent meeting, with due notice given to the public of the proposed provisions of the privatization contract. Due notice shall include individual notification to affected employees.

6.6 The Commission shall review proposals for privatization with reference to the following, non-exclusive, criteria:

- (a) All privatization proposals that are represented to result in fiscal savings to the City shall support such representation by a written comparison of costs.
 - (1) In comparing costs, there shall be included the City's additional cost of providing the same service as proposed by a contractor. These additional costs shall include the salaries and benefits of additional staff that would be needed and the costs of additional space, equipment, and materials needed to perform the function.
 - (2) In comparing costs, there shall not be included the City's indirect overhead costs unless these costs can be attributed solely to the function in question and would not exist if that function was not performed in City service. Indirect overhead costs shall mean the pro rata share of existing administrative salaries and benefits, rent, equipment costs, utilities and materials.
 - (3) In comparing costs, there shall be included in the cost of a contractor providing a service any continuing City costs that would be directly associated with the contracted function. These continuing City costs shall include, but not be limited to, those for inspection, supervision, and monitoring.
 - (4) The savings should be large enough to ensure that they will not be eliminated by private sector and City cost fluctuations that could normally be expected during the contracting period.
 - (5) The amount of savings should clearly justify the size and duration of the contracting agreement.
 - (6) The proposal should demonstrate that the potential for future economic risk to the City from potential contractor rate increases or contractor default is minimal.
- (b) Privatization proposals shall not be approved solely on the basis that savings will result from lower contractor pay rates or benefits. However, privatization proposals may be eligible for approval if the contractor's wages are at the industry's level and do not significantly undercut City pay rates.
- (c) Privatization proposals shall state whether they would cause the displacement of civil service employees. The term 'displacement' includes layoff, demotion, involuntary transfer to a new class, involuntary transfer to a new location requiring a change of residence, and time base reductions. Displacement does not include changes in shifts or days off, nor does it include reassignment to other positions within the same class and general location.
- (d) Privatization proposals shall state whether they adversely affect the City's affirmative action efforts or contravene its domicile requirements or the Commission's Rules.

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- (e) Privatization proposals shall be the subject of a publicized, competitive bidding process.
- (f) Privatization proposals shall state the required qualifications of personnel that will perform the work under the proposal and shall contain assurances that the contractor's hiring practices meet applicable nondiscrimination, affirmative action and domicile standards.
- (g) Privatization proposals should demonstrate that the potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by City government.

(Section 6.4 adopted December 13, 1988, effective December 13, 1988, Section 6.1 through 6.6 adopted January 25, 2001, effective February 1, 2001)

Section 7. UNCLASSIFIED POSITIONS

- 7.1 At its discretion, the City Civil Service Commission may add additional positions to the unclassified service, if:
 - (a) after a thorough review and analysis of the duties and responsibilities of the position, the Commission has determined that they neither are appropriate for, nor should they be performed by, a classified employee and,
 - (b) the position is essentially of a sensitive nature, having considerable discretion and policy-making authority, which is not subject to further review or modification and,
 - (c) the position is audited on a regular basis by the Civil Service Department to determine the continuing appropriateness of the unclassified status.
- 7.2 The Commission may revoke a position previously allocated to the unclassified service if:
 - (a) the Commission determines that the position no longer meets the prerequisites for continuing in the unclassified service, or
 - (b) appropriate classifications and/or registers of eligibles are now in existence which can be utilized to fill the position in the merit system, or
 - (c) after further review it has been determined that organizational changes warrant either abolishing the position or reallocating the duties and responsibilities to other position(s) in the classified service.
- 7.3 The Commission shall have the authority to initiate such audits and investigations of positions placed in the unclassified service by the Commission, as deemed necessary to protect the integrity of the merit system and maintain an equitable relationship between positions in the classified and unclassified services.

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- 7.4 If after a position formerly allocated to the unclassified service by the City Civil Service Commission has been revoked by action of the Commission, and no appropriate register of eligibles is in existence to fill the position in the classified service, the Commission may permit the individual who previously occupied the position to serve in a temporary appointment, subject to the provisions of Rule VI of these Rules.

(Sections 7.1 - 7.4 adopted August 22, 1996, effective August 22, 1996)

Section 8. TRANSFER OF A FUNCTIONAL UNIT

- 8.1 Written notification shall be provided to the Director of any intent to transfer a functional unit, comprised in whole or in part of classified employees, from one appointing authority to another. This notification shall be received by Civil Service at least forty-five (45) days prior to the effective date of the transfer and shall contain the reasons for the transfer and the classifications and positions to be affected. The Civil Service Commission will review and consider the proposed transfer to determine its effect on the classified service.
- 8.2 All employees shall be notified in writing by their appointing authority of their pending transfer and of the duties and responsibilities assigned to the new position at least ten (10) calendar days prior to the effective date of the transfer.

(Sections 8.1 - 8.2 adopted June 26, 1997, effective July 1, 1997)