## CITY OF NEW ORLEANS CHIEF ADMINISTRATIVE OFFICE

## **POLICY MEMORANDUM NO. 19(R)**

April 15, 2013

TO:

All Departments, Boards, Agencies and Commissions

FROM:

Andrew D. Kopplin, Chief Administrative Officer/First Deputy Mayor

SUBJECT:

DOMICILE REQUIREMENTS FOR CITY EMPLOYEES

### I. PURPOSE.

This policy memorandum is revised to conform to Ordinance No. 29,494 M.C.S. of the City Code Sections 2-971 through 2-978.

#### II. <u>DISTRIBUTION</u>.

- A. All employees are to be issued a copy of the domicile ordinance attached and this policy. All departments, boards, agencies, and commissions shall distribute copies of the attached domicile acknowledgment and certification forms to each City employee in the employ of each department.
- B. The employee must sign the attached written acknowledgment of receipt of the City's domicile policy (Form A). A copy of the signed acknowledgment is to be retained in the employee's personnel file.
- C. The distribution process shall commence upon receipt of this policy memorandum and be completed thirty days after issuance date of this memorandum.
- D. Every appointing authority will be responsible for establishing an internal distribution process and for procuring each employee's signature on both the acknowledgment and Declaration of Domicile forms (Forms A and B). It is recommended that departmental personnel sections be primary resources for the distribution and for monitoring the issuance and signing of employees' copies.
- E. A written report (Form C) indicating that the distribution has been completed by each department shall be submitted to the Personnel Division, Chief Administrative Office within ninety (90) days of the issuance date of this memorandum. The report will indicate the number of the department's employees who are domiciled in Orleans Parish and the number who maintained their domicile outside of Orleans Parish (but are permitted under Ordinance 25,242 M.C.S.) as December 31, 2012.

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#### III. LEGAL SYNOPSIS.

- A. Attached to this memorandum is a copy of the City's complete domicile ordinance.
- B. All employees must be domiciled in Orleans Parish as of January 1, 2013, unless domiciled outside of Orleans Parish prior to that date.

### IV. POLICIES AND REGULATIONS.

- A. The domicile requirement imposed by this article shall not apply to any employee of the New Orleans Aviation Board during the term of his or her employment with such board and for six months thereafter, if the actual domicile of the employee is nearer to the employee's job site than the distance from the job site to the nearest point of Orleans Parish.
- B. Part-time employees, those who are not classified as full-time employees, shall be exempt from the domicile requirement imposed by the domicile ordinance.
- C. An additional exemption to the domicile requirement may be the granting of a waiver upon the demonstration of extreme hardship by an employee, on an individual, case-by-case basis, by the appointing authority of the employee subject to the approval by the Chief Administrative Officer. Any employee who seeks to request an exemption must file an Exemption Request (Form D) with the employee's appointing authority approval to the Personnel Division, Chief Administrative Office.

#### V. ENFORCEMENTOF DOMICILE POLICY.

#### A. ALL EMPLOYEES.

- 1. All employees are required to complete a Declaration of Domicile Form (Form B). Failure to accurately complete the Declaration of Domicile form will result in disciplinary action, including but not limited to termination.
- 2. When the employee completes the Declaration of Domicile form, an Appointing Authority must sign the form. Only signatures from Appointing Authorities are to be entered on the Declaration of Domicile form in the space designated for this purpose.
- 3. If an employee fails, refuses, or is for any reason unable to complete the attached Declaration Domicile form within the time specified by the Appointing Authority, or if the Appointing Authority is unable in good faith to certify the correctness of the employee's certification, a written report of such failure, refusal, or inability to should be attached to the employee's Declaration form and submitted to the Chief Administrative Office. This report should include whatever information is available as to the domicile of the employee in question.
- 4. After an employee has signed the Declaration of Domicile form, the original should be sent to the Civil Service Department, Transactions Section, 1340 Poydras Street, 9<sup>th</sup> Floor of the City Hall

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Annex. This Declaration of Domicile form will become part of the employee's personnel file located in that department and the Civil Service record.

- 5. Appointing Authorities should inform each employee of the duty to file an amended Declaration of Domicile form whenever the previously certified address information changes. The amended form must be filed within ten (10) working days of an address change.
- 6. No officer or employee of the City who has responsibility for and authority over the hiring or supervision of employees of the City shall knowingly permit any person who does not have his domicile in Orleans Parish to commence City employment, unless the employee has been granted a 180 day period to relocate within Orleans Parish.
- 7. A certification statement will be required on the P-1 form for new, reinstated or re-hired employees. P-1 forms received for new employees without this certification will be returned to the department. Under no circumstances will any employee be added to the City payroll, promoted, reemployed, reinstated or retained without this certification, unless the employee has been granted a 180 day extension to relocate within Orleans Parish or was hired prior to January 1, 2013.
- 8. Classified employees hired as Recruits for the New Orleans Police Department, the New Orleans Fire Department and the Emergency Medical Services shall be required to comply with the domicile requirement on the respective employment commencement date. The "employment commencement" date means the date the employee becomes a "regular employee" or obtains permanent status as a classified employee.
- 9. NOPD, NOFD and EMS newly hired employees must sign an employment contract which provides for reimbursement to the City of New Orleans for training expenses should the employee fail to comply with the domicile requirement within the specified period of 180 days.
- 10. In the event of a State of Emergency declaration, the Mayor may by Executive Order suspend the domicile requirement of employees.

#### VI. VIOLATIONS OF THE DOMICILE POLICY.

- A. Knowing failure to comply with Ordinance 25,242 M.C.S. by officers and employees of the city shall be cause for dismissal or other disciplinary actions.
- B. It shall be unlawful for any officer or employee to knowingly permit any person who does not have an actual domicile in Orleans Parish to commence, continue or resume City employment, in violation of City Code Section 2-974, if hired as of January 1, 2013. Further, it is unlawful for any

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officer or employee hired as of January 1, 2013 to fail to maintain continuously, actual domicile within, Orleans Parish, in violation of City Code Section 2-973, or for any person to do any act prohibited or fail to do any act required by this policy or knowingly to make any false representations to the Department of Civil Service, an appointing authority or City officer in connection with the administration or enforcement of this policy.

### VII. INQUIRIES.

Any inquiries concerning this policy memorandum may be addressed to the Personnel Division, Chief Administrative Office, (504) 658-8600.

Andrew D. Kopplin
First Deputy Mayor/Chief Administrative Officer

ADK/CBB/cbb

Attachments: Ordinance No. 29,494 M.C.S. of the City Code Sections 2-971 through 2-978, and Forms A, B, C, and D

## **FORM A**

# EMPLOYEE STATEMENT OF RECEIPT DOMICILIARY REQUIREMENT

	EMPLOYEE NAME:
	EMPLOYEE SSN:
	DEPARTMENT:
	ORGN CODE:
l,	, hereby acknowledge that I have
received a copy of Policy Memorandun	n No. 19R, amended in 2013 and issued by the Chief
Administrative Office entitled "Domicile	e Requirements for City Employees."
Employee's Signature:	
Date:	· 
Supervisor's Signature	
Date:	
Attachment: CAO Policy Memo	No. 19 (Revised) – April, 2013

## **FORM B**

# DECLARATION OF DOMICILE PURSUANT TO CITY CODE ARTICLE XXII, SECTION 2-801 et seq., as amended, known as the CITY DOMICILE ORDINANCE

l,	, Social Security Number	
	lomiciled at	
, ,	(Municipal Street Address)	
Louisiana,		
(Zip Code)		
Date domicile began:		·
	(Day/Month/Year)	
In support of your domicile	certification PLACE YOUR INITIALS next to ea	ch one of the following that applies t
the domicile you have claim		
,		
I am registered to	vote in Orleans Parish;	
I usually sleep the		
I keep most of m	y clothing, household appliances and other perso	nal property there;
I have a telephon	e in my or my spouse's name that is not on call-fo	rward to another residence;
I receive most of	my non-city mail addressed to me there;	
	my non-city mail addressed to me there; remises without notice or permission from others	· :
I may enter the p	remises without notice or permission from others	
I may enter the p		
I may enter the po	remises without notice or permission from others inor children, if any, reside with me at this addres	SS.
I may enter the po My spouse and m Do you have any other r	remises without notice or permission from others inor children, if any, reside with me at this addres esidences or mailing addresses other than th	SS.
I may enter the po	remises without notice or permission from others inor children, if any, reside with me at this addres esidences or mailing addresses other than th	SS.
I may enter the po My spouse and m Do you have any other r Yes	remises without notice or permission from others inor children, if any, reside with me at this address esidences or mailing addresses other than the No	SS.
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I may enter the po My spouse and m Do you have any other r Yes	remises without notice or permission from others inor children, if any, reside with me at this address esidences or mailing addresses other than the No	SS.
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I may enter the poMy spouse and m  Do you have any other r Yes  If yes, please list any and	remises without notice or permission from others inor children, if any, reside with me at this addresses desidences or mailing addresses other than the No	SS.
I may enter the poMy spouse and m  Do you have any other rYes  If yes, please list any and  B. DECLARATION OF NON-	remises without notice or permission from others inor children, if any, reside with me at this addresses desidences or mailing addresses other than the No digital and mailing addresses.  ORLEANS PARISH DOMICILIARY	SS.
I may enter the poments of the	remises without notice or permission from others inor children, if any, reside with me at this addresses desidences or mailing addresses other than the No digital and mailing addresses.  ORLEANS PARISH DOMICILIARY	SS.
I may enter the property of the property	remises without notice or permission from others inor children, if any, reside with me at this addresses desidences or mailing addresses other than the No digital and mailing addresses.  DRLEANS PARISH DOMICILIARY	SS.
I may enter the property of the property	remises without notice or permission from others inor children, if any, reside with me at this addresses desidences or mailing addresses other than the No digital and mailing addresses.  DRLEANS PARISH DOMICILIARY	SS.
I may enter the property of the property	remises without notice or permission from others inor children, if any, reside with me at this addresses desidences or mailing addresses other than the No digital and mailing addresses.  ORLEANS PARISH DOMICILIARY	SS.
Do you have any other r Yes  If yes, please list any and  B. DECLARATION OF NON-	remises without notice or permission from others inor children, if any, reside with me at this addresses desidences or mailing addresses other than the No digital and mailing addresses.  DRLEANS PARISH DOMICILIARY	SS.

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DECLARATION OF NON-ORLEANS PARISH DOMICILIARY (CONTINUED)		
Do you have any other residences or mailing addresses other than the domicile stated above?  Yes No		
If yes, please list any and all residences and mailing addresses.		
C. VERIFICATION (TO BE SIGNED BY ALL EMPLOYEES)		
I certify that the information provided on this form is true and complete. I am aware of the penalties (including, but not limited to, disciplinary action or termination of employment) which will be invoked for the falsification, or omission, of any data requested on this form. I also understand that any changes in my domicile or residences as certified herein require me to complete an amended certification form within ten (10) working days of this change of domicile or residences. I understand that the Appointing Authority may verify information pertaining to my domicile or residences.		
Signed: Date:		
(Employee Signature)		
<ol> <li>TO BE SIGNED BY APPOINTING AUTHORITY OR DESIGNATED REPRESENTATIVE</li> <li>I am aware of the penalties (including, but not limited to, disciplinary action or termination of employment) which will be invoked for the falsification, or omission, of any data requested on this form.</li> </ol>		
I certify to the best of my knowledge, information and belief that this employee has met the requirements of domicile as stipulated in the City Code Section 2-971 et seq., as amended, known as the City Domicile Ordinance.		
OR,		
2. I certify to the best of my knowledge, information and belief that this employee is domiciled in the Parish of, State of Louisiana.		
Signed: Date: (Appointing Authority Signature)		
(Appointing Authority Signature)		
Print Name:		
(Appointing Authority Print Name)		
Form B		

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## DEPARTMENTAL DOMICILE ANNUAL REPORT

## FORM C

DATE	DEPARTMENT/AGENCY	
Listed below (Revised):	w are domiciliary categories for employees as delineated in Chief Administrative Policy No. 19	
1.	Number of officers or employees who are domiciled in Orleans Parish.	
OF THESE:		
A. B.	Number hired as of January 1, 2013 who are required to be domiciled in Orleans Parish. Number of employees hired prior to January 1, 2013 who are domiciled in Orleans Parish.	
2.	Number of officers or employees who are NOT domiciled in Orleans Parish.	
OF THESE:		
A.	Number of part-time employees who are not domiciled in Orleans Parish. The Domicile Ordinance No. 25, 242 M.C.S. does not affect these employees.	
В.	Number of employees hired prior to January 1, 2013 who are not domiciled in Orleans Parish AND were not domiciled in Orleans Parish prior to this date. The Domicile	
C.	Ordinance does not affect these employees.  Number of employees hired as of January 1, 2013 who are not domiciled in Orleans Parish AND are within one hundred eighty (180) days of "employment commencement" (hire	
D.	date). The Domicile Ordinance does affect these employees.  Number of employees hired prior to January 1, 2013 who are not domiciled in Orleans  Parish but WERE domiciled in Orleans Parish prior to that date.	
OF THESE:		
	<ul> <li>Number of employees who have applied for and received approval from their Appointing Authority and the Chief Administrative Officer to be exempted from the Domicile Ordinance 25,242 M.C.S.</li> </ul>	
	ii. Number of other employees in category"2D". These employees may be in violation of the Domicile Ordinance. If you believe that they are not in violation of this ordinance (e.g., they worked for the Aviation Board within the last six months), please explain below:	

## DEPARTMENTAL DOMICILE ANNUAL REPORT (continued)

FORM C

OF THESE:		
i.		e applied for and received approval from thei nief Administrative Office to be exempted fron 25, 242 M.C.S.
ii.	violation of the Domicile Ordinan	category "2E." These employees may be ince. If you believe that they are not in violation ced for the Aviation within the last six months)
	Appointing Authority	 Date

## FORM D

## **DOMICILE EXEMPTION REQUEST**

Employee Name:	
(Please Print)	
Employee ID No:	<del></del> ·
Department:	
I,, request to be exemordinance No. 25,242 M.C.S., Section 2-975 (b), Exemptions: demonstration of extreme hardship by an employee.  My circumstance(s) of the exemption request is/are as follows:	s:
Documentation of my hardship is attached	or is not attached
Employee Signature	
Appointing Authority Signature	Date
••	Date
Chief Administrative OfficerAPPROVED/DISAPPROVED	Date

ORDINANCE
(AS AMENDED)
(AS CORRECTED)
CITY OF NEW ORLEANS

CITY HALL: February 21, 2013

**CALENDAR NO. 29,454** 

NO. 25242 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER HEAD

AN ORDINANCE to amend and reordain Article X of Chapter 2 of the Code the City of New Orleans to provide for a city employee domicile policy, which requires employees of the City of New Orleans to have and maintain an "actual domicile" in the Parish of Orleans; to define "actual domicile"; to provide for a grace period within which new employees may move into Orleans Parish; to exempt those employees hired prior to January 1, 2013; and otherwise to provide with respect thereto.

- 1 SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY
- 2 ORDAINS, That Article X of Chapter 2 of the Code of the City of New Orleans be and the same
- 3 is hereby amended and reordained to read as follows:
- 4 "ARTICLE X. DOMICILE OF EMPLOYEES:
- 5 Sec. 2-971. Short Title.
- 6 This article shall be known as the City Domicile Ordinance.
- 7 Sec. 2-972. Definitions.
- 8 The following terms, when used in this article, shall have the meanings assigned in this section
- 9 unless the context clearly indicates otherwise:
- 10 "City of New Orleans" or "city" means the municipal corporation of the City of New Orleans
- 11 and all of the attached, unattached and departmental boards and commissions, independent

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12	agencies, instrumentalities, and public benefit corporations of the city, including the Sewerage
13	and Water Board, the New Orleans Aviation Board, the Public Belt Railroad Commission, the
14	Audubon Park Commission, and any local public agencies that use employees in the city civi
15	service, receive city appropriations or the proceeds of city taxes or city bonds or that are created
16	funded, or subject to regulation by the city, including the offices of the clerks of the municipal
17	court and the traffic court.
18	"Actual domicile" means a person's principal domestic establishment, the determination of
19	which shall be based upon such actual facts as where a person sleeps, takes his meals, ha
20	established his household, and surrounds himself with his family and the comforts of home, a
21	contrasted with a business establishment, a residence that is not a principal home, or a mer
22	declaration of domicile. For the purposes of this article, a person may have only one actual
23	domicile, and that actual domicile shall be deemed to be the residence which meets the followin
24	criteria more than any other residence:
25	(1) He or she usually sleeps there;
26 27	(2) He or she keeps most clothing, toiletries, household appliances, and similar personal property of daily utility there;
28	(3) He or she is registered to vote there;
29 30	(4) He or she or a spouse with whom he or she lives has a telephone there in his of her name which is not usually on call forward to another residence;

(6) He or she is free to enter the premises without notice to or permission from others.

He or she directly receives and opens most non-city mail addressed to him or her

For the purposes of this article, voters registered in another parish or county are presumed not to

35 have their actual domicile in Orleans Parish.

there;

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## 36 Sec. 2-973. - Policy.

- Except as otherwise expressly provided in this article, it shall be the policy of the city to provide 37 employment, promotions, reemployment or reinstatement, and retention of employment 38 opportunities with the city to persons who do or will have an actual domicile in Orleans Parish 39 within 180 days of their employment commencing and who thereafter maintain their actual 40 domicile in Orleans Parish. For the purposes of classified employees of the New Orleans Police 41 Department (NOPD), the New Orleans Fire Department (NOFD), and Emergency Medical 42 Services (EMS), "employment commencing" shall mean the date the person becomes a "regular 43 employee," as defined by La. R.S. § 33:2393 et seq. Such NOPD, NOFD and EMS employees 44 shall execute an employment contract, to be prepared by the City Attorney, requiring minimally 45 that in the event such employees fail to establish their actual domicile within the city within the 46 specified 180 day period, they shall be obligated to reimburse the city for the value of their 47 respective training costs to the city. 48
- 49 Sec. 2-974. Prohibitions on the hiring or appointing authority.
- 50 Except as otherwise specifically authorized in this article, no employee of the city who has
- 51 responsibility for or authority over the hiring or appointment of employees of the city shall
- 52 knowingly permit any person to violate the City Domicile Ordinance.
- 53 Sec. 2-975. Exemptions.
- The domicile requirement imposed by this article shall not apply to any employee of the 54 (a) city who was hired by the city prior to January 1, 2013, except that no employee 55 exempted, who lives in Orleans Parish, shall be entitled to retain the benefits of this 56 exemption if that employee establishes a new actual domicile outside of Orleans Parish. 57 Except as otherwise expressively provided in this article, under no circumstances shall 58 any officer or employee who does not maintain an actual domicile in Orleans Parish be 59 administered with any different treatment or negatively impacted in any way during his or 60 her employment than an employee who is domiciled in New Orleans. Furthermore, 61 appropriate sensitivity training to address racial, gender, religious, and sexual orientation 62 discrimination shall be provided for all law enforcement officers. 63

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- The domicile requirement imposed by this article shall not apply to any employee of the
  New Orleans Aviation Board during the term of his or her employment with such board
  and for six months thereafter, if the actual domicile of the employee is nearer to the
  employee's job site than the distance from the job site to the nearest point of Orleans
  Parish.
- 69 (c) Part-time employees, those employees who are not classified as full-time employees, 70 shall be exempt from the domicile requirement imposed by this article.
- Additional exemptions to the domicile requirement imposed by this article may be granted upon a showing of extreme hardship by an employee, on an individual, case-by-case basis, by the appointing authority of the employee subject to the approval of the chief administrative officer. Any employee who seeks to request an exemption to the domicile requirement imposed by this article shall file with the appointing authority and the chief administrative office a request for such an exemption, on a form prescribed by the chief administrative officer.
- 78 (e) The chief administrative officer shall promulgate administrative policies and procedures 79 for the administration and enforcement of this section within 90 days of the effective date 80 of this ordinance.
- The chief administrative officer shall provide all employees exempted under this section with notice of all policies and procedures promulgated pursuant to this section.
- 83 Sec. 2-976. Administration.
- 84 The chief administrative officer may promulgate administrative policies and procedures and
- 85 internal regulations for the administration and enforcement of this article which may include
- 86 uniform provisions for proof of actual domicile, reporting changes of actual domicile and other
- 87 matters.
- 88 Sec. 2-977. Dismissal.
- 89 Knowing failure to comply with any of the provisions of this article by officers and employees of
- 90 the city shall be cause for dismissal or other disciplinary actions.

- 91 Sec. 2-978. State of Emergency.
- 92 In the event that a State of Emergency is declared pursuant to Section 4-206(3)(d) of the Home
- Rule Charter, the Mayor, by Executive Order, may suspend any or all provisions of this article.
- 94 Secs. 2-979 2-999. Reserved.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS MARCH 7, 2013

## STACY HEAD PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON MARCH 8, 2013

APPROVED: DISAPPROVED:

MAYOR

RETURNED BY THE MAYOR ON MARCH 15, 2013 AT 12:10 P.M.

PEGGY LEWIS
CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7

NAYS:

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ABSENT:

THIS ORDINANCE WAS RETURNED BY THE MAYOR ON MARCH 15, 2013 AT 12:10 P.M., AND THE SAME WAS NEITHER APPROVED NOR DISAPPROVED BY THE MAYOR. THEREFORE, SAID ORDINANCE BECAME LAW ON MARCH 17, 2013 AT 12:00 NOON IN ACCORDANCE WITH SECTION 3-113(2) OF THE CITY CHARTER.

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THE FOREGOING IS CERTIFIED
TO BE PUE AND CORRECT COP.