

## RULE VI

### VACANCIES, CERTIFICATION AND APPOINTMENT

#### Section 1 General Rules for Filling Vacancies

- 1.1 A position that can be filled by regular employment under the Civil Service Rules shall be, but allowances are made herein for truly temporary, casual and seasonal employment, subject to approval of the Director.
- 1.2 Insofar as practical, vacancies in positions shall be anticipated and sufficient advance notice given so as to enable the necessary classification, advertising and examination activities to be performed.
- 1.3 The Appointing Authority may request certification of eligibles with special qualifications over and above the normal qualifications of a class for a position where such special qualifications are reasonable and desirable.
  - A. When Special Necessary Qualifications are requested, and approved by the Director, these shall be stated in the pursuant examination announcement.
  - B. Special Necessary Qualifications shall be bona fide occupational qualifications made necessary by responsibilities of the position to be filled, and shall not be approved if contrary to the intent of the City-Parish Charter Section 4-15 and rules adopted thereunder.
- 1.4 A vacancy is considered filled under this rule as of the date the Appointing Authority appoints an eligible to regular employment from an employment or promotion list certified by the Director, regardless of any arrangement to the contrary, while employment performing the position's duties may not begin until a later date.
- 1.5 Similar classes are classes that, in the analysis of the Director, are so closely related that a person who has been laid off from one of them can be re-employed in any of the others.
- 1.6 A regular full time position is a position expected to exist into the foreseeable future wherein an employee regularly and predictably works 40 hours or more weekly, or if scheduled 12 hour shifts, averages 42 hours per week.
- 1.7 A regular less than full time position is a position expected to exist into the foreseeable future wherein an employee regularly and predictably works more than 20 but less than 40 hours per week.

Section 2 Methods of Filling Vacancies *(Revised 7/8/21)*

- 2.1 Vacant regular positions in the Classified Service shall be filled by demotion, transfer, reinstatement, re-employment, promotion, appointment from an open employment list, or temporary appointment.
- A. Demotion is a change in the employment of a classified employee from a position in one class to a different position in a different class with a lower pay range minimum.
  - B. Transfer means a change in the employment of a classified employee from a position in a class to a different position in the same class. The rate of pay of an employee upon transfer is subject to adjustment as determined by the application of the same criteria as were used to establish pay of employees currently in positions of the same purpose and nature of work, in the class, if approved by the Director, or his own independent comparison of education, experience and pay rates of those currently in the class with those of the employee to be transferred. Moving an encumbered position from one Division to another without affecting pay or classification of the incumbent shall be considered a transfer in the absence of formal creation and abolition of positions in the same class. *(Revised 8/26/09)*
  - C. Reassignment means a change in the employment of a classified employee from a position in one class to a different position in a different class, for which said employee is qualified, that has the same pay range minimum. The rate of pay of an employee upon reassignment is subject to adjustment as determined by the application of the same criteria as were used to establish pay of employees currently in the class, if approved by the Director, or his own independent comparison of education, experience and pay rates of those currently in the class with those of the employee to be reassigned. *(Revised 8/26/09)*
  - D. Reinstatement means the restoration of a classified employee to employment in the same or similar class from which they accepted demotion to avoid lay off. *(Revised 5/25/22)*
    - 1. The Director shall keep a reinstatement list which shall contain the names of all persons who have been demoted from classes through no fault of their own but to avoid lay off.
    - 2. The Director shall certify names from a reinstatement list by listing the employee with the most seniority in the appropriate class first.
  - E. Reemployment means the restoration of a former employee to employment in the same or similar class from which they were

involuntarily separated through no fault of their own, such as a lay off.

1. The Director shall keep a reemployment list which shall contain the names of all persons who have been separated under this subsection.
  2. The Director shall certify names from a reemployment list by listing those with most Class Service first, as defined in Rule XII.
  3. Should an employee be disabled or physically unable to perform in the respective class at the time of separation, said employee shall not be certified for reemployment until determined to be capable of working in the class by a physician.
  4. Removal of names from reemployment lists shall result from the following:
    - a. Expiration of eligibility two (2) years after layoff, or
    - b. filing a written statement of unwillingness to accept reemployment in the same or similar classes or,
    - c. refusal of three (3) offers of reemployment in the same class laid off from, or
    - d. failure to respond within 14 calendar days of notification to report for interview or appointment, or
    - e. death, or
    - f. failure to report for work after appointment, or
    - g. reemployment to the same class laid off from, or
    - h. falsification of information during the reemployment process, or
    - i. failure to meet post-appointment requirements.
- F. Promotion is the change in regular employment under the Classified Civil Service from a position in a class having a lower pay range minimum to a different position in a different class having a higher pay range minimum.
- G. Open Appointment is initial employment under the Classified Civil Service following certification of an Open Employment list resulting from an examination and subsequent appointment by the Appointing Authority.
- H. Temporary Appointment is employment, either of a regular employee or

other qualified person which is not expected to exist beyond the foreseeable future. Regular Civil Service employees may serve in temporary appointments without any loss of regular employment or other right, privilege or benefit, while non-employees do not gain any Civil Service status, by virtue of temporary appointment. Temporary appointments do not adhere to all provisions of these rules, are subject to the approval of the Director and may be of the following types:

1. Provisional Appointments. *(Revised 7/8/21)*
  - a. Provisional appointments to classified positions are permitted due to lack of a list of eligibles or fewer than five eligibles on an Open list or Promotional list, or lack of a class title, pay range, examination or pending decision by the Board of an appeal of termination by a former incumbent. *(Revised 7/8/21)*
    - 1) Persons selected for Provisional Appointment must present evidence of qualifications to the Director.
    - 2) Provisional Appointments shall terminate after 6 calendar months and may not be extended, or *(Revised 4/27/05)*
    - 3) One calendar month after certification of a list of five (5) eligibles on an employment list. Where background investigation of applicants by the police department is required, provisional appointment must terminate two calendar months after certification. *(Revised 4/27/05)*
    - 4) Abolition of the position by the Appointing Authority and Governing Authority. *(Revised 12/3/19)*
    - 5) The above timeframes apply to the duration of the provisional appointment itself, regardless of the number of employees who may be provisionally appointed to the position within that timeframe. *(Added 7/8/21)*
  - b. Classified employees are permitted to serve as provisional unclassified departmental directors due to a vacancy in those positions. *(Added 7/8/21)*
    - 1) Such appointments shall terminate after six (6)

calendar months but may be extended by the Board for up to three (3) additional three (3) month periods. *(Added 7/8/21)*

- 2) The above timeframes apply to the duration of the provisional appointment itself, regardless of the number of employees who may be provisionally appointed to the position within that timeframe. *(Added 7/8/21)*
- c. Classified employees may not serve provisionally in any other unclassified position. *(Added 7/8/21)*
2. Substitute appointments may be made to fill a vacancy while the incumbent is on an authorized leave of absence of duration exceeding two weeks.
3. Project Appointments may be made where duties and responsibilities are part of a specifically defined project, the end of which would result in layoff if regular appointments were to be made to complete said project. *(Revised 7/8/21)*
  - a. Project appointments shall terminate after one (1) year. The Board may authorize a single one (1) year extension of a project appointment when the Appointing Authority presents clear evidence that the conditions which justified the original appointment continue to exist. *(Added 7/8/21)*
  - b. Once a project appointment has ended, the employee may not be appointed to another project appointment within the next twelve (12) month period, as measured from the end date of the appointment. *(Added 7/8/21)*
4. Emergency Appointments may be made in the presence of real, present and immediate need which is unforeseen and grave in nature, and must be promptly reported to the Director for approval. Emergency appointments shall not exceed fourteen (14) calendar days.
5. Casual Appointments may be made for a work engagement not to exceed 1248 hours per fiscal year. *(Revised 7/8/21)*
  - a. Any hours worked in any other temporary capacity as defined by these Rules shall count against the 1248 hours referenced above. *(Added 7/8/21)*

### Section 3 Procedure for Filling Vacant Positions of Regular Employment

- 3.1 The Appointing Authority shall notify the Director of intent to fill a vacant position and request a list of eligibles for this purpose, on the forms required by Rule XI, and shall indicate the list(s) requisitioned as follows: *(Revised 7/8/21)*
- A. Both Open Employment and Promotion Lists, or
  - B. A Promotion List limited to regular employees of the Division where the vacancy is located who have passed the examination, or
  - C. A Promotion List limited to regular employees of a Department where the vacancy is located who have passed the examination, or
  - D. A Promotion List limited to regular employees of the Classified Service who have passed the examination.
- 3.2 Certification occurs when the Director prepares and transmits to the Appointing Authority a list of names of persons lawfully eligible for appointment to a position pursuant to the provisions of these rules.
- A. The Director shall, upon notification of intent by the Appointing Authority to fill a position, certify the top five names of those on the reemployment list for that or a similar class; if fewer than five are available he shall then certify the top ranking names on the reinstatement list for that class as necessary to provide at least five names.
  - B. The Director shall, when reemployment and reinstatement lists contain fewer than five persons available for appointment, certify from the Open and/or Promotional lists as provided by this Section.
  - C. After conducting interviews with all persons certified per this rule, the Appointing Authority may request additional names or may select from those available.
    - 1. A request for additional names shall be subject to approval by the Director after having been provided any justification that may be prescribed.
    - 2. If the request is approved, the Director shall certify the names having the next five scores, plus ties, on the applicable examination and section 3.2.C shall apply.
    - 3. If all eligible names from the applicable examination have been certified per this rule and five names are available for appointment, the Appointing Authority shall fill the position under section 2.4 of this rule.

- D. Only to the extent that eligible names from the applicable examination are available for certification, the Director shall certify one (1) additional name, plus ties for each additional vacancy to be filled. *(Revised 5/14/24)*
1. For the purpose of certification under this rule, an additional vacancy shall be any budgeted vacancy of a classified position in the class for which names are being certified, regardless of whether a request to fill such vacancy has been received by Civil Service. *(Added 5/14/24)*
  2. If all eligible names from the applicable examination have been certified per this rule, the Appointing Authority shall proceed in filling the position in accordance with Rule VI.3.2.C. *(Added 5/14/24)*
- E. Certification from Open Employment and Promotion Lists shall provide the names of eligibles on the Open Employment who have the top five scores on the applicable examination, plus those tied with them, as well as the top five names of regular employees, if any, plus ties, from the Promotion List.
1. The completion of a working test during or on the date of certification shall cause that employee to be added to the Promotion List in addition to the top five (5) names of regular employees, if any, plus ties. *(Revised 7/8/21)*
- F. Certification from a Promotion List limited to regular employees of a Division shall provide the names of regular employees of said Division who have the top five scores, plus ties, on the applicable examination.
- G. Certification from a Promotion List limited to regular employees of a Department shall provide the names of regular employees of the Division where the vacancy is located, who have the top five scores, plus ties, on the applicable examination. Should fewer than five be available, the names of the top scores, plus, ties, of regular employees of the Department shall be certified as necessary to provide names of at least five eligibles.
- H. Certification from a Promotion List limited to regular employees of the Classified Service shall provide the names of regular employees of the Division where the vacancy is located who have the top five scores, plus ties, on the applicable examination. Should fewer than five be available, the names of the top scores, plus ties, of regular employees of the Department shall be certified as necessary to provide five names. Should there still be fewer than five certified, the names of the top scores, plus

ties, of regular employees of the entire Classified Service shall be certified as necessary to provide names of at least five eligibles.

- 3.3 The Director shall, in addition, notify the Appointing Authority of regular employees wishing to be demoted to the position and class in question, those who wish to be transferred to the vacant position, and those who wish to be reassigned to said position to the extent the Civil Service office is aware of them.
- 3.4 Vacant positions in the classified civil service shall be filled by appointment from the employment lists described in this rule within one calendar month of certification or the position shall be abolished by the Appointing Authority. The Director may allow two calendar months to fill vacancies where background investigations by the police department are required. *(Revised 4/27/05)*