

RULE II  
THE ORGANIZATION, RULES AND PROCEDURES OF THE BOARD

Section 1 Meetings

- 1.1 All meetings, hearings, and appeals before the Lafayette City-Parish Civil Service Board shall be open to the public as required under La. R.S. 42:4.1, et seq. (the “Open Meetings Law”) and other applicable provisions of state law. The Board shall give written public notice of all meetings and hearings in the manner required by state law at least seven days in advance of meetings. Written notice shall be posted on the Civil Service Office bulletin board. Public notice of meetings will also be posted on the Lafayette City-Parish Civil Service Board website. Notice of posting to the website shall be mailed to the City-Parish President, City-Parish Council Clerk, Departmental Directors and Division Managers for posting on their respective bulletin boards. The notice shall include the date, time and place of the meeting and shall contain an agenda showing the items to be discussed. *(Revised 2/27/14)*
- 1.2 An agenda contained in the notice provided for in this section may be amended or changed during the seven days prior to the hearing, but not later than 24 hours prior thereto, provided that in the judgment of the Director, there is adequate time to distribute notice thereof. The Board may take up a matter not contained on the agenda upon approval by two-thirds of the members of the Board in attendance at the meeting.
- 1.3 The Board shall hold a minimum of one regular meeting per quarter.
- 1.4 Upon notification by the Chairman of the Board of a meeting, the Civil Service Director shall notify each member of the Board of the time and place of its meeting.
- 1.5 The Board may enter into executive session when it deems it necessary to do so subject to compliance with the Open Meetings Law.
- 1.6 Three members of the Board shall constitute a quorum for the transaction of business.
- 1.7 The Civil Service Director shall act as Secretary to the Board and shall keep minutes and other records of its actions and business. Minutes of Board meeting shall include the date, time, and place of the meeting, the members of the Board recorded as present or absent, the substance of all matters decided and a record by individual member of any votes taken, and any other information that the Board requests be included or reflected in the minutes.
- 1.8 All votes made by the Board at any meeting shall be voice votes and shall be cast by roll call.

Section 2 Vacancies and Officers of the Board

- 2.1 Vacancies on the City-Parish Civil Service Board shall be filled as provided by Section 4-15 of the City-Parish Charter.

- 2.2 The Board shall elect from its membership a Chairman and Vice-Chairman on an annual basis. At the first meeting of the Board following January 1<sup>st</sup> of each year, the Board shall elect a Chairman and Vice-Chairman who shall serve for a term of one year from January 1<sup>st</sup> through December 31<sup>st</sup> of the calendar year. The Vice-Chairman shall assume duties of Chairman in the absence thereof.
- 2.3 The Board shall not be bound by any rules of order, evidence or procedure at its meetings, hearings or investigations except such as it may itself establish.
- 2.4 A member of the Civil Service Board may be removed by the City-Parish Council for cause after being served with written specifications of the charges and being afforded an opportunity for a public hearing thereon by the City-Parish Council.

### Section 3 Rules

- 3.1 Rules shall be adopted or amended by the Board either in proposed or revised form only after a public hearing at which opportunity to show cause why the proposed rule, amendment or part thereof should not be adopted is provided.
- 3.2 Prior to holding any public hearing for purposes of adopting rules, the Board shall furnish at least 30 calendar days advance notice of the date, time and place to the public and employees by posting a notice on the Civil Service Office bulletin board and posting a notice to the Lafayette City-Parish Civil Service Board website. Said notices shall include a copy of proposed rules. Notice of posting to the website shall be e-mailed to the President, City-Parish Council and all Departmental Directors and Division Managers for posting of their bulletin boards. *(Revised 2/27/14)*
- 3.3 Prior to the meeting, a second e-mailed notice shall be issued at least 7 calendar days in advance for posting on the Lafayette City-Parish Civil Service Board website and all bulletin boards of each Department stating the date, time and place of the meeting. *(Revised 2/27/14)*
- 3.4 Rules adopted according to these provision shall be provided to the City-Parish President, City-Parish Council, Departmental Directors and Division Managers within 15 calendar days after their adoption.
- 3.5 Unless otherwise provided, rules adopted by the Board shall become effective immediately.

### Section 4 Hearings, Appeals and Testimony

- 4.1 Regular employees in the classified service who feel that they have been subjected to disciplinary actions by the Appointing Authority involving dismissal, suspension, reduction in pay or demotion or have been denied any right under the provisions of the Charter or these rules, without just cause shall have the right to seek a hearing before the Board to evaluate the Appointing Authority's actions and determine whether the Appointing Authority had just cause and acted in good faith in taking the action.

- 4.2 Applicants for employment in the classified service shall have the right of appeal to the Board on questions of acceptance of applications, examinations, scoring thereof, certification of eligibles for employment and related actions.
- 4.3 Persons entitled to lodge appeals to the Board under this section shall do so by submitting a written request for appeal directly to the Board, through the Civil Service Director, and specifying in writing therein the reasons that an appeal is being sought. Where the Appointing Authority has taken disciplinary action for which an employee is entitled to lodge an appeal under this section, the written request for appeal must be received by the Board within fifteen (15) calendar days after the date upon which the employee receives written documentation from the Appointing Authority detailing the disciplinary action being imposed and the reasons therefor. Should the deadline date to appeal fall on a weekend or City-Parish Government holiday, said appeal must be filed by 5:00 p.m. on the first day of business following the closure. *(Revised 2/19/13)*
- 4.4 Upon receipt by the Board of a request for an appeal filed by an employee in accordance with the provisions of this Section, the Civil Service Director and/or the Chairman of the Board shall proceed to schedule the appeal for hearing by the Board. Appeals shall be set for hearing and commenced within seventy-five (75) calendar days of the date that the appeal is filed with the Board. However, the Board shall have the right to postpone and/or continue hearings that have been scheduled as aforesaid within its sound discretion. Notwithstanding the aforesaid, any failure by the Board to schedule and/or commence an appeal hearing within seventy-five (75) calendar days as required herein shall not in any way prejudice and/or affect the rights of the employee and/or the Appointing Authority with regard to the disciplinary action taken and the appeal. *(Revised 2/27/14)*
- 4.5 The Board shall provide the employee and the Appointing Authority with advance written notice of the scheduling of a hearing on an appeal. This notice shall be sent at least twenty-six (26) days before the date fixed for the hearing and shall include the date, time, and place for the hearing. If such written notice is placed in the United States mail, postage prepaid, and addressed to an employee at his or her last know address, notice shall be deemed to have been given on the date the notice is place in the US mail by the Civil Service Office. *(Revised 2/27/14)*
- 4.6 The employee and the Appointing Authority shall provide the Board with a list of witnesses that they may call at the hearing at least seven (7) calendar days in advance of the date of the hearing. Parties shall not be entitled to call any witnesses to testify at the hearing that are not included on the witness list except upon approval of the Board and for good cause shown. The provisions of this subsection shall not apply to rebuttal witnesses.
- 4.7 The employee and the Appointing Authority shall provide the Board with copies of all documents that may be introduced at the hearing at least seven (7) calendar days in advance of the date of the hearing. Parties shall not be entitled to place into evidence at the hearing any documents that are not submitted to the Board in accordance with the provisions of this subsection except upon approval of the

Board and for good cause shown. The provisions of this subsection shall not apply to documents and statements to be used for impeachment purposes.

- 4.8 The Board shall not be required to have testimony transcribed, but any involved party who wishes to do so may, at his own expense. In cases where an involved party wishes for the Director to make necessary arrangements to have testimony recorded and transcribed, at the appellant's expense, said party must provide the Director at least 5 calendar days advance notice. When a transcript is made, a copy must be furnished to the Board.
- 4.9 Employees, the Appointing Authority, and any other parties involved in appeal hearings held pursuant to this section shall have the right to be represented by legal counsel.
- 4.10 At all appeal hearings the Appointing Authority shall have the burden of proof and shall proceed first to present its case in support of the actions taken by it against the employee. After the Appointing Authority has completed the presentation of its case, the employee shall be permitted to present his case. The Appointing Authority shall be entitled to present testimony and documentation to rebut the employee's allegations and evidence following the completion of the employee's presentation of his case. Notwithstanding the aforesaid, in all cases in which the employee has asserted that the Appointing Authority has discriminated against him in imposing the disciplinary action taken, the employee shall have the burden of proof and shall proceed first to present his case.
- 4.11 All persons to be called as witnesses by the employee and the Appointing Authority shall be sworn in and placed under the rule of sequestration prior to the commencement of the first hearing on the employee's appeal. Witnesses placed under the rule of sequestration shall be banned from the hearing room during the course of the hearing except when testifying before the Board themselves. Witnesses placed under the rule of sequestration shall further be prohibited from discussing the facts and circumstances of the case with any persons or parties other than the attorneys for the employee and/or the Appointing Authority, and/or in the presence of any persons other than the attorneys for the employee and/or the Appointing Authority. After a witness has completed his testimony at a hearing and has been released by the parties, he shall be released from the rule of sequestration, except that he shall be prohibited from discussing the case with any other witnesses until the conclusion of the appeal before the Board.
- 4.12 The Board may require the employee and the Appointing Authority to prepare and produce pre-hearing and/or post-hearing memoranda as it may deem necessary to assist in its arrival at a decision in the case.
- 4.13 The Board shall decide appeals on the basis of relevant facts produced and presented by the employee and the Appointing Authority at the appeal hearing, including sworn testimony and documentary evidence.
- 4.14 The policy of the Board with regard to disciplinary appeals shall be as follows:

- A. In reviewing disciplinary actions, the Board shall have the duty and authority to determine whether the Appointing Authority acted with just cause and within its rules, procedures, and policies in taking disciplinary action for infractions allegedly committed by an employee, and, if so, whether the discipline imposed is commensurate with the infraction.
  - B. The Board shall act to modify or set aside disciplinary action taken by the Appointing Authority only when it finds that the Appointing Authority has acted unreasonably. The fact that the Board merely feels that the Appointing Authority could or should have pursued a different course of action against such employee shall not be sufficient grounds to modify or set aside disciplinary action taken by the Appointing Authority. *(Revised 4/27/05)*
  - C. For purposes of this Rule, “just cause” shall be defined as a rational basis for the disciplinary action taken by the Appointing Authority, based upon the information available to the Appointing Authority at the time that such discipline was imposed. Just cause shall be deemed to have been established when the Appointing Authority produces evidence demonstrating the employee’s commission of the alleged infractions and demonstrating that the commission of such infractions bears a real and substantial relationship to the efficient operation of the affected department of the Lafayette Consolidated Government.
- 4.15 The Board shall rule upon appeals within a reasonable period of time not to exceed thirty (30) days after completion of hearings on the matter. Failure of the Board to act within this time shall constitute an affirmation of the action taken by the Appointing Authority. The Board may issue its ruling in writing, and may include in the ruling written findings of fact with regard to the issues considered in the appeal and with regard to whether the Appointing Authority had just cause for the disciplinary actions taken by it and whether the discipline imposed by the Appointing Authority is commensurate with the infraction committed by the employee.
- A. In accordance with the policies set forth in Section 4.14 herein above, the Board shall take one of the following actions in rendering decisions on appeals:
    - 1. Determine that the action of the Appointing Authority was taken for just cause and affirm the action.
    - 2. Modify the disciplinary action taken by the Appointing Authority and impose a greater or lesser disciplinary action as deemed appropriate under the circumstances.
    - 3. Set aside the action of the Appointing Authority and order it to restore the employee to all benefits and rights lost as a result of the action.

- B. Tie votes shall be deemed to constitute an affirmation of the disciplinary actions taken by the Appointing Authority.

4.16 After the Board renders its decision on an appeal, the employee and/or the Appointing Authority shall have the right to appeal the Board's decision to the 15<sup>th</sup> Judicial District Court for the Parish of Lafayette, Louisiana. The procedure for appealing a ruling of the Board to the 15<sup>th</sup> Judicial District Court is as follows:

- A. The party wishing to appeal the Board's decision shall proceed by filing a petition with the 15<sup>th</sup> Judicial District Court seeking a review of the decision of the Board and stating the reasons in support thereof. Such petition must be filed no later than thirty (30) days after the meeting in which the Board rendered its ruling and decision. If the Board has failed to render a ruling and decision within thirty (30) days after completion of the hearing, such petition must be filed no later than sixty (60) days after conclusion of the hearings on the matter.
- B. The party appealing the ruling, whether such party is the employee or the Appointing Authority, shall appear as the plaintiff in the petition, and the other party shall be named as defendant. The defendant shall be served with the appeal petition and citation as required by law.
- C. The Board shall not be a party to any appeal, and if it is named as a party in the appeal, it shall be summarily dismissed upon motion of the employee, the Appointing Authority, or the court on its own motion.
- D. After a petition for review of the Board's ruling has been filed, any party to the action may request that the record of the proceedings be filed with the Court. All requests shall be made in writing to the Director and shall include the caption and docket number of the suit. Within 30 days after receipt of the written request, the Director shall forward a certified copy of all documents on file with the Board to the Court. The Director shall notify all parties of the filing of the record.

Any party may request in writing, a duplicate copy of the Board's unofficial tape recording of the proceedings. Within 30 days after receipt of a written request, and after payment for the cost thereof, the Director shall provide the requesting party with a duplicate tape recording of the hearing.

- E. The Court shall be limited in its review of the findings of the Board to the testimony, documents, and exhibits placed into evidence at the hearing before the Board, as well as the written findings of the Board. The Court shall not permit the introduction of new evidence on appeal of the Board's findings.
- F. The Court's ruling on appeal shall be limited to a determination of whether the Board's ruling was in error in light of the documents, testimony, and other evidence presented and considered by the Board.

The Board's findings shall not be overturned on appeal unless deemed by the Court to be manifestly erroneous and/or contrary to law.

G. The Board shall have no legal interest in the outcome of an appeal. The Board shall have no duty or responsibility to support or defend its decision and ruling on appeal.

4.17 Any official or employee who willfully fails to appear, refuses to testify, induces others to do so or knowingly acts to influence the testimony of witnesses or the availability of evidence to affect the Board's decision shall forfeit his position and remain ineligible for service to the City-Parish Government for a period of 6 years, in addition to any other penalties provided by law to apply to such cases. Acts to the detriment or obstruction of activities of employees engaged in the business of scheduling hearings, delivering subpoenas, and/or obtaining evidence are similarly prohibited.

4.18 If an employee initiates an appeal and fails to appear on the date and time set for his/her own appeal hearing before the Board, he/she will be deemed to have abandoned the appeal, and the Board may dismiss the appeal without the need for the Administration to present any evidence on the issue. *(Revised 9.5.18)*

#### Section 5 Oaths, Subpoenas and Production of Records

5.1 Each member of the Board and the Director shall have the same power to administer oaths, subpoena witnesses and compel the production of records in the form and medium determined by the Board or Director, as is provided by law to the Courts of the State of Louisiana. All applications for the issuance of subpoenas shall be provided to the Director at least sixteen (16) calendar days prior to the date established for the commencement of the hearing or investigation. Said applications shall have the full name and address of all persons subpoenaed. *(Revised 2/27/14)*

5.2 The Board may permit the issuance of subpoenas for witnesses and to compel production of documents after commencement of the hearing for good cause shown.

5.3 In the case of refusal to obey a subpoena issued to any person, the Board may authorize the City-Parish Attorney to seek an order from a court of requisite jurisdiction compelling such person to appear before the Board, its members or agent and to produce records, or be there to give testimony pertaining to the matter under consideration or in question. The Board may also authorize the City-Parish Attorney to pursue contempt proceedings against any person who fails to comply with the order of the court.

5.4 Subpoenaed documents must be returned to the Civil Service Office no later than nine (9) calendar days prior to the date established for the commencement of the hearing or investigation.