

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.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Article X of Chapter 2 of the Code of the City of New Orleans be and the same is hereby amended and reordained to read as follows:

“ARTICLE X. - DOMICILE OF EMPLOYEES:

Sec. 2-971. - Short Title.

This article shall be known as the City Domicile Ordinance.

Sec. 2-972. - Definitions.

The following terms, when used in this article, shall have the meanings assigned in this section unless the context clearly indicates otherwise:

“City of New Orleans” or “city” means the municipal corporation of the City of New Orleans and all of the attached, unattached and departmental boards and commissions, independent

agencies, instrumentalities, and public benefit corporations of the city, including the Sewerage and Water Board, the New Orleans Aviation Board, the Public Belt Railroad Commission, the Audubon Park Commission, and any local public agencies that use employees in the city civil service, receive city appropriations or the proceeds of city taxes or city bonds or that are created, funded, or subject to regulation by the city, including the offices of the clerks of the municipal court and the traffic court.

“Actual domicile” means a person’s principal domestic establishment, the determination of which shall be based upon such actual facts as where a person sleeps, takes his meals, has established his household, and surrounds himself with his family and the comforts of home, as contrasted with a business establishment, a residence that is not a principal home, or a mere declaration of domicile. For the purposes of this article, a person may have only one actual domicile, and that actual domicile shall be deemed to be the residence which meets the following criteria more than any other residence:

- (1) He or she usually sleeps there;
- (2) He or she keeps most clothing, toiletries, household appliances, and similar personal property of daily utility there;
- (3) He or she is registered to vote there;
- (4) He or she or a spouse with whom he or she lives has a telephone there in his or her name which is not usually on call forward to another residence;
- (5) He or she directly receives and opens most non-city mail addressed to him or her there;
- (6) He or she is free to enter the premises without notice to or permission from others.

For the purposes of this article, voters registered in another parish or county are presumed not to have their actual domicile in Orleans Parish.

Sec. 2-973. - Policy.

Except as otherwise expressly provided in this article, it shall be the policy of the city to provide employment, promotions, reemployment or reinstatement, and retention of employment opportunities with the city to persons who do or will have an actual domicile in Orleans Parish within 180 days of their employment commencing and who thereafter maintain their actual domicile in Orleans Parish. For the purposes of classified employees of the New Orleans Police Department (NOPD), the New Orleans Fire Department (NOFD), and Emergency Medical Services (EMS), "employment commencing" shall mean the date the person becomes a "regular employee," as defined by La. R.S. § 33:2393 et seq. Such NOPD, NOFD and EMS employees shall execute an employment contract, to be prepared by the City Attorney, requiring minimally that in the event such employees fail to establish their actual domicile within the city within the specified 180 day period, they shall be obligated to reimburse the city for the value of their respective training costs to the city.

Sec. 2-974. - Prohibitions on the hiring or appointing authority.

Except as otherwise specifically authorized in this article, no employee of the city who has responsibility for or authority over the hiring or appointment of employees of the city shall knowingly permit any person to violate the City Domicile Ordinance.

Sec. 2-975. - Exemptions.

- (a) The domicile requirement imposed by this article shall not apply to any employee of the city who was hired by the city prior to January 1, 2013, except that no employee exempted, who lives in Orleans Parish, shall be entitled to retain the benefits of this exemption if that employee establishes a new actual domicile outside of Orleans Parish. Except as otherwise expressly provided in this article, under no circumstances shall any officer or employee who does not maintain an actual domicile in Orleans Parish be administered with any different treatment or negatively impacted in any way during his or her employment than an employee who is domiciled in New Orleans. Furthermore, appropriate sensitivity training to address racial, gender, religious, and sexual orientation discrimination shall be provided for all law enforcement officers.

64 (b) The domicile requirement imposed by this article shall not apply to any employee of the
65 New Orleans Aviation Board during the term of his or her employment with such board
66 and for six months thereafter, if the actual domicile of the employee is nearer to the
67 employee's job site than the distance from the job site to the nearest point of Orleans
68 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.

71 (d) Additional exemptions to the domicile requirement imposed by this article may be
72 granted upon a showing of extreme hardship by an employee, on an individual, case-by-
73 case basis, by the appointing authority of the employee subject to the approval of the
74 chief administrative officer. Any employee who seeks to request an exemption to the
75 domicile requirement imposed by this article shall file with the appointing authority and
76 the chief administrative office a request for such an exemption, on a form prescribed by
77 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.

81 (f) The chief administrative officer shall provide all employees exempted under this section
82 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

93 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: 0

ABSENT: 0

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 A TRUE AND CORRECT COPY
Peggy Lewis
CLERK OF COUNCIL