



MITCHELL J. LANDRIEU
MAYOR

CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
ROOM 7W03 CITY HALL
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LISA M. HUDSON
DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Jeffrey Angardi VS.**
Department of Fire
Docket Number: 8004

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg



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DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Manuel Ellis VS.
Department of Fire
Docket Number: 8005**

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Manuel Ellis

file



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DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Nicholas Green VS.**
Department of Fire
Docket Number: 8006

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Nicholas Green



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LISA M. HUDSON
DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Jordan Angelo VS.**
Department of Fire
Docket Number: 8007

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Jordan Angelo

1115



MITCHELL J. LANDRIEU
MAYOR

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DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Nicholas Laughlin VS.**
Department of Fire
Docket Number: 8008

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Nicholas Laughlin



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MAYOR

Tuesday, January 15, 2013

LISA M. HUDSON
DIRECTOR OF PERSONNEL

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Joseph Canfill VS.
Department of Fire
Docket Number: 8009**

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Joseph Canfill



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DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Zack Domilite VS.**
Department of Fire
Docket Number: 8010

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Zack Domilite

file



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MAYOR

Tuesday, January 15, 2013

LISA M. HUDSON
DIRECTOR OF PERSONNEL

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Robert McCoy Jr. VS.**
Department of Fire
Docket Number: 8011

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Robert McCoy



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DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Matthew Chester VS.**
Department of Fire
Docket Number: 8012

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, appearing to read "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Matthew Chester



MITCHELL J. LANDRIEU
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DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Kenneth Perdue VS.**
Department of Fire
Docket Number: 8013

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Kenneth Perdue



MITCHELL J. LANDRIEU
MAYOR

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LISA M. HUDSON
DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Robert Wilton VS.**
Department of Fire
Docket Number: 8014

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Robert Wilton



MITCHELL J. LANDRIEU
MAYOR

CITY OF NEW ORLEANS

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DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Brett Casey VS.**
Department of Fire
Docket Number: 8015

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Brett Casey



MITCHELL J. LANDRIEU
MAYOR

CITY OF NEW ORLEANS

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LISA M. HUDSON
DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **John Blackwell VS.
Department of Fire
Docket Number: 8016**

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
John Blackwell

ENC



MITCHELL J. LANDRIEU
MAYOR

CITY OF NEW ORLEANS

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DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Lenin Guerrero VS.**
Department of Fire
Docket Number: 8017

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Lenin Guerrero



MITCHELL J. LANDRIEU
MAYOR

CITY OF NEW ORLEANS

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LISA M. HUDSON
DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **David Shields VS.
Department of Fire
Docket Number: 8018**

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
David Shields

ENC



MITCHELL J. LANDRIEU
MAYOR

CITY OF NEW ORLEANS

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LISA M. HUDSON
DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Patrick Shubert VS.**
Department of Fire
Docket Number: 8019

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Patrick Shubert



CITY OF NEW ORLEANS

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MITCHELL J. LANDRIEU
MAYOR

LISA M. HUDSON
DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **David Hellmers VS.
Department of Fire
Docket Number: 8020**

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
David Hellmers

file



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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JOSEPH S. CLARK

MITCHELL J. LANDRIEU
MAYOR

LISA M. HUDSON
DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Joe Thiriot VS.**
Department of Fire
Docket Number: 8022

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Joe Thiriot

mjc



MITCHELL J. LANDRIEU
MAYOR

CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
ROOM 7W03 CITY HALL
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CITY CIVIL SERVICE COMMISSION

REV. KEVIN W. WILDES, S.J., PHD,
CHAIRMAN
DANA M. DOUGLAS, VICE
CHAIRMAN
DEBRA S. NEVEU
AMY L. GLOVINSKY
JOSEPH S. CLARK

LISA M. HUDSON
DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Sean Thomas VS.
Department of Fire
Docket Number: 8023**

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Sean Thomas

me



MITCHELL J. LANDRIEU
MAYOR

CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
ROOM 7W03 CITY HALL
NEW ORLEANS LA 70112
(504) 658-3500
FAX NO. (504) 658-3599

CITY CIVIL SERVICE COMMISSION

REV. KEVIN W. WILDES, S.J., PHD,
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LISA M. HUDSON
DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Alan Favalora VS.
Department of Fire
Docket Number: 8024**

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Alan Favalora



MITCHELL J. LANDRIEU
MAYOR

CITY OF NEW ORLEANS

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LISA M. HUDSON
DIRECTOR OF PERSONNEL

Tuesday, January 15, 2013

Julie Richard-Spencer
2540 Severn Avenue, Ste. 400
Metairie, La 70002

Re: **Marcus Grant VS.**
Department of Fire
Docket Number: 8025

Dear Mrs Richard-Spencer:

Attached is the decision of the City Civil Service Commission in the matter of your appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 1/15/2013 - filed in the Office of the Civil Service Commission in Room 7W03, City Hall, 1300 Perdido Street, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in cursive script, reading "Germaine Bartholomew".

Germaine Bartholomew
Chief, Management Services Division

cc: Charles Parent
Gregory Brumfield
Jay Ginsberg
Marcus Grant

JEFFREY ANGARDI, ET AL

CIVIL SERVICE COMMISSION

VS.

CITY OF NEW ORLEANS

DEPARTMENT OF FIRE

NOS. 8004 C/W 8005-8020 AND 8022-8025

INTRODUCTION

The Appellants were granted a hearing to gather evidence regarding the following issues:

- (1) Whether the installation and removal of barricades during Mardi Gras is part of fire suppression employees' job responsibilities; and
- (2) Whether the performance of non-fire suppression activities impacts the calculation of fire suppression employees' overtime under Section K of the Fair Labor Standards Act.¹

The matter was assigned by the Civil Service Commission to a Hearing Examiner pursuant to Article X, Section 12 of the Constitution of the State of Louisiana, 1974. The hearing was held August 2, 2012. The testimony presented at the hearing was transcribed by a court reporter. The three undersigned members of the Civil Service Commission have reviewed a copy of the transcript and all documentary evidence.

JURISDICTION

The Civil Service Commission is a constitutionally created body. Its powers are defined in 1974 La.Const. art. X, § 10(A)(1), within Part I, State and City Civil Service. That section provides in pertinent part:

Each commission is vested with broad and general rule-making and subpoena powers for the administration and regulation of the classified service, including the power to adopt rules for regulating employment, promotion, demotion,

¹ Appellants' content that overtime hours should have been paid for all hours worked over forty hours per week instead of fifty three hours per week because the exemption that normally applies to fire suppression employees does not apply if the worked performed is not fire suppression work.

The Commission does not enforce the provisions of the Fair Labor Standards Act and has no authority to order the payment of overtime based upon the Appellants' arguments. Consequently, the Appellants' second issue will not be considered.

suspension, reduction in pay, removal, certification, qualifications, political activities, employment conditions, compensation and disbursements to employees, and other personnel matters and transactions; to adopt a uniform pay and classification plan; ... and generally to accomplish the objectives and purposes of the merit system of civil service as herein established.

Although Article X, § 12 provides that the city commission shall have exclusive power and authority to hear and decide all removal and disciplinary cases, that exclusive jurisdiction is not specifically granted to the Commission in those areas where it has exercised its rule-making power under §10. However, in order to provide for an orderly resolution of employer-employee related disputes and to avoid forum shopping between the Civil Service Commission and the courts, the Court has concluded that §10 "evidences an inten[t] to grant exclusive jurisdiction to the Commission" in rule-making as well as disciplinary matters. *Schott v. City of New Orleans*, 643 So.2d 825, 826 (La.App. 4 Cir. 1994), *Williams v. Civil Service Com'n of City of New Orleans*, 613 So.2d 733, 735 (La.App. 4 Cir. 1993), *writ denied* 616 So.2d 685 (La.1993), *Strickland v. Office of the Governor, et al.*, 525 So.2d 740, 743 (La.App. 1st Cir.1988). The Court has stated further that it is reasonable to give some deference to the Commission's interpretation of its own rules. *DeLarge v. Department of Finance*, 672 So.2d 1025, 1029, (La.App. 4 Cir. 1996). The rules of the Commission have the force and effect of law. La. Const.1974, Article 10, Section 10(A)(4); *Jack A. Parker & Associates, Inc. v. State Through Dept. of Civil Service*, 454 So.2d 162, 165 (La.App. 1 Cir. 1984), *Mayeaux v. Dept. of State Civil Service*, 421 So.2d 948 (La.App. 1st Cir.1982); *Pelletier v. Executive Department, Division of State Buildings and Grounds*, 331 So.2d 72 (La.App. 1st Cir.1976). Thus, so long as the Commission's rules are reasonable and not violative of basic constitutional rights, they must be recognized and given effect by the courts. *Heinberg v. Department of Employment Security*, 256 So.2d 747 (La.App. 1st Cir.1971), *writ refused*, 258 So.2d 381 (La. 1972).

FACTS

It is undisputed that on February 21, 2012 (Mardi Gras Day), at the direction of the City administration ("Administration") the Appointing Authority ordered certain fire suppression personnel to disassemble parade barricades for approximately three to four hours. It is also undisputed that the Appellants' representatives and the Administration discussed plans to use fire suppression personnel for this purpose prior to Mardi Gras and the Administration agreed to find an alternative work force to perform this task after the Appellants' representatives objected.

Retired Coronel Jerry Sneed, Deputy Mayor for Public Safety, credibly testified that after the meeting with the Appellants' representative, he was tasked with devising a plan for the assembly and removal of barricades. Col. Sneed stated that he expanded the scope of an existing contract to allow a current vendor to hire temporary workers to perform the task. However, the plan did work out as hoped because a large number of the temporary workers failed to show up for work, thus creating an emergency. Col. Sneed testified that the Appellants' were the only personnel on duty on Mardi Gras Day without any specific Mardi Gras tasks. Therefore, he enlisted them for a few hours to remove barricades. Col. Sneed acknowledged that the removal of barricades was not fire suppression work. However, because of the emergency, he determined that he had no other viable solution.

Robert Hagmann is employed as Personnel Administrator of the Training and Development Division of the Department of Civil Service. He confirmed that barricade removal is not fire suppression work. However, according to Mr. Hagmann, the Administration can enlist any City employee regardless of that employee's job description to perform duties that are not a normal job function if required to respond to an unplanned emergency situation.

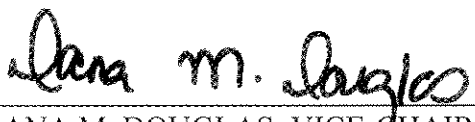
CONCLUSION

The Appointing Authority cannot require fire suppression personnel to remove barricades unless it is an unplanned emergency situation. In the instant case, there is sufficient credible evidence that the Appellants' were enlisted to remove barricades because it was an emergency and the emergency was unanticipated. Moreover, no viable alternative response to the emergency was available.

The Administration will have had a year to better prepare and we assume that the use of fire suppression personnel for barricade removal will not occur again.

RENDERED AT NEW ORLEANS, LOUISIANA THIS 15th DAY OF
JANUARY, 2013.

CITY OF NEW ORLEANS
CIVIL SERVICE COMMISSION

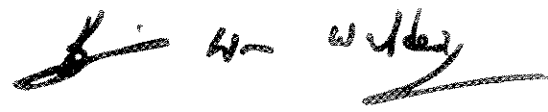


DANA M. DOUGLAS, VICE-CHAIRMAN

CONCUR:



JOSEPH S. CLARK, COMMISSIONER



REV. KEVIN W. WILDES, S.J., CHAIRMAN