

PETITION OF APPEAL TO CIVIL SERVICE BOARD
(CIVIL SERVICE RULES REGARDING APPEAL PROCEDURE ARE AVAILABLE UPON REQUEST)

Name: _____ [Docket No _____]
First _____ Middle _____ Last _____

Address: _____
Street and Number, or P.O. Box _____ City _____ State _____ Zip Code _____

Phone Number: () _____

In accordance with the provisions of the City of Kenner Civil Service Rules, I hereby appeal to the Civil Service Board from an action(s) taken against me as a classified City employee, as follows:

On: _____ / _____ / _____, I was [] Dismissed [] Suspended [] Other*
Month Day Year

*If you indicated "Other", please give a brief explanation in the space below:

On the above date, I was employed by:

Department or Agency

My job title was: _____, and my civil service status was:
[] Permanent [] Probationary (see below) [] Other

The name and title of the official who authorized the action against me is:

I learned about the action taken against me on: _____ / _____ / _____
Month Day Year

I hereby request the Board to hear my appeal and _____
(State what action you want the Board to take on your behalf)

because _____

(Briefly explain why the Board should do what you are requesting)

APPEALS BASED ON ALLEGED DISCRIMINATION

FAILURE TO PROVIDE ALL REQUESTED INFORMATION MAY JEOPARDIZE YOUR APPEAL! IMPORTANT INFORMATION REGARDING CIVIL SERVICE RULE II, SECT. 4-3 - PLEASE SEE BELOW

CERTAIN DISCIPLINARY ACTIONS ARE APPEALABLE ONLY IF YOU ALLEGE THAT THE ACTION AGAINST YOU RESULTED FROM DISCRIMINATION DUE TO RACE, SEX, RELIGION, POLITICS, OR OTHER SPECIFIED CAUSE UNRELATED TO MERIT EMPLOYMENT CONSIDERATIONS.

CIVIL SERVICE RULE II, SECTION 4:4.3 PROVIDES THAT WHERE DISCRIMINATION IS ALLEGED TO BE A BASIS FOR APPEAL, SPECIFIC FACTS SUPPORTING THE CONCLUSION OF DISCRIMINATION MUST BE ALLEGED IN DETAIL.

CIVIL SERVICE RULE II, SECTION 4.3:

Where discrimination is alleged to be a basis for appeal, specific facts supporting the conclusion of discrimination must be alleged in detail. The specific facts required will vary depending on the nature of the appeal; however, the facts must be alleged in sufficient detail to enable the agency to prepare a defense. A conclusion of discrimination is not sufficient. The types of facts which must be included are:

- (a) the date, time and place the discriminatory action took place;
- (b) the name of the person or agency alleged to have taken the discriminatory action;
- (c) a description of how appellant's action, conduct or performance was the same as that of other persons who were treated differently;
- (d) the names of other persons treated differently and the dates the different treatment occurred;
- (e) a description of events, including the dates and circumstances thereof, which led appellant to believe that the adverse decision was based on his religious or political beliefs, sex, race, or any other non-merit factor.

Persons alleging discrimination as a basis for appeal shall bear the burden of proof of their allegations.

(IMPORTANT: PLEASE CONTINUE ON PAGE 2)

[] CHECK THIS BOX IF YOU ALlege DISCRIMINATION. GIVE FULL DETAIL IN THE SPACE PROVIDED BELOW. WHERE DISCRIMINATION IS ALLEGED, YOU MUST BEAR THE BURDEN OF PROOF.
Use this space to provide specific facts which support your conclusion of discrimination required under CIVIL SERVICE Rule II, Section 4, 4.3 (if necessary, attach additional sheets).

APPEALS BASED ON DRUG AND ALCOHOL TESTING

IMPORTANT INFORMATION REGARDING CIVIL SERVICE RULE II, SECT. 4.13 - PLEASE SEE BELOW

CIVIL SERVICE RULE II, SECTION 6, DRUG TESTING APPEALS, INCLUDES SPECIAL PROVISIONS THAT ARE APPLICABLE TO APPEALS ARISING FROM DRUG AND ALCOHOL TESTING. RULE II, SECTION 6 SETS FORTH SPECIAL PROCEDURAL REQUIREMENTS, AND RELATED TIME LIMITS THAT ARE APPLICABLE TO BOTH THE APPELLANT AND APPOINTING AUTHORITY. FAILURE TO COMPLY WITH THIS SECTION MAY RESULT IN DISMISSAL OF YOUR APPEAL.

CIVIL SERVICE Rule II, 4.13. DRUG TESTING APPEALS:

4.13 Drug Testing Appeals

This Section includes special provisions that are applicable only to appeals arising from the application of a City drug testing program.

- (a) At the hearing on any such appeal, completed chain of custody form, test results, MRO report and/or breath alcohol test result form which formed the basis of the disciplinary action shall be received into evidence as a business record exception to the hearsay rule and these documents shall constitute *prima facie* evidence of the validity of the test.
- (b) A regular classified employee who contests the validity of the results of an alcohol or drug test shall allege with specificity, any and all aspects of the alcohol or drug test which the appellant alleges were invalid, including collection, testing, MRO report, and/or breath alcohol test.
- (c) At the time of filing or not later than (10) calendar days after filing an appeal, the employee may submit a request for documents which formed the basis of the disciplinary action.
- (d) When the City substance abuse manager is presented with a request for said documents, the substance abuse manager shall provide to the appellant all documents it intends to introduce into evidence from the collector, testing laboratory, Medical Review Officer, and/or Breath Alcohol Technician within ten (10) calendar days of its receipt of a request for said documents. If the Substance Abuse Manager fails to provide the documents from the alcohol or drug test within then (10) calendar days after receiving a timely request for said documents, the presumption of the validity of said documents is negated and the Appointing Authority shall be required to introduce admissible evidence to establish the validity of the testing procedure.
- (e) An appellant shall be permitted to amend his or her petition of appeal in order to comply with the provisions of Section 6.1(b) provided that such amendment shall be filed in writing with and received by the Civil Service Department during established department working hours, within ten (10) calendar days of the receipt of the requested documents from the substance abuse manager, or, where the appellant does not make a timely request for documents, within the initial thirty (30) calendar days provided for filing an appeal.

DOCUMENTS REQUESTS UNDER RULE II, 4.13(c), ABOVE, MUST BE SUBMITTED TO THE SUBSTANCE ABUSE MANAGER, DEPARTMENT OF HUMAN RESOURCES, 1801 WILLIAMS BOULEVARD, KENNER, LA 70062.

I am aware that I may be opposed by an attorney, and that I have the right, but am not required, to employ an attorney to represent me. The name of my attorney is: (if none, write NONE in the space provided below)

Name of Attorney

Mailing Address

Signature of Appellant or Attorney

Date