



**CITY OF NEW ORLEANS  
Chief Administrative Office**

**POLICY MEMORANDUM NO. 142**

**April 15, 2019**

**To:** All Departments, Boards, Agencies and Commissions

**From:** Gilbert Montaña, Chief Administrative Officer (CAO)

**Subject:** **Promotion Procedure for Classified Positions in Large Departments (+500 Full-Time Department Employees)**

**I. PURPOSE**

The purpose of this memorandum is to create and define the official, standard procedure for promotions to fill vacant, classified positions in departments with 500 or more full-time employees. The City of New Orleans is committed to establishing a workplace that provides all employees with transparency, professional development, and a commitment to excellence. The procedure set forth in this memorandum is designed to further these goals under the unique circumstances existing in the City's largest departments.

**II. APPLICABILITY**

This memorandum, and the procedures created herein, apply only to departments with 500 or more full-time employees. The promotion procedures described in this memorandum also do not apply to promotions that occur as a matter of course and do not fill or create vacancies in classified positions, such as a promotion from Firefighter Recruit to Firefighter I, or promotion from Police Officer I to Police Officer II.

**III. DEFINITIONS**

Note that definitions are listed in alphabetical order. All terms listed in this section except for "applicant" will be italicized throughout the memo. Terms not defined in this section are used consistently with definitions included in the Rules of the Civil Service Commission.

- ***Applicant***: For the purposes of this policy memorandum, we define applicant as an individual on the *Promotion List* established by the Civil Service Department.
- ***Composite Score***: The *Composite Score* is the total score (out of a possible 200 points) given to each applicant that is used to select applicants for promotion. An

- applicant's *Composite Score* sums together the *Examination Performance Score* and the *Promotion Committee Score*.
- **Examination:** The *Examination* is the entire qualifying procedure, as established by the Civil Service Department, through which an individual must go to gain a place on a promotional list.
  - **Examination Performance Score:** One of the two components of the *Composite Score*. The *Examination Performance Score* is derived solely from an applicant's ranking on the *Examination* administered by the Civil Service Department. The maximum possible *Examination Performance Score* is 100 points and the minimum possible score is 0 points.
  - **Promotion Committee:** The *Promotion Committee* is composed of at least four (4) but no more than six (6) senior-level managers in the department making the promotion. The head of the department may or may not be on the *Promotion Committee*, and the membership of the committee must be approved by the Chief Administrative Officer, or his or her designee. The *Promotion Committee* rates applicants in accordance with this memorandum, and these ratings establish the *Promotion Committee Score* portion of applicants' *Composite Score*.
  - **Promotion Committee Score:** One of the two components of the *Composite Score*. The *Promotion Committee Score* is derived from the sum of each member of the *Promotion Committee*'s rating of an applicant. The maximum possible *Promotion Committee Score* is 100 points, and the minimum possible score is 0 points.
  - **Promotion List:** The *Promotion List* is established by Civil Service Department from the results of the *Examination* and ranks all individuals who passed the *Examination* by score on the *Examination*. Applicants who receive equal scores on the *Examination* are given the same numerical ranking, but are listed in the order of seniority.
  - **Promotion Prioritization List:** The *Promotion Prioritization List* ranks applicants by *Composite Score*. This list must be published and made available to applicants.

#### IV. POLICY

The promotion procedure established in this policy memorandum must be used by departments subject to this policy memorandum. Under this procedure, departments must create a *Composite Score* for every applicant, which is established by assigning (1) an *Examination Performance Score* and (2) a *Promotion Committee Score* to each applicant.

The *Examination Performance Score* is a point value based on the applicant's number rank on the *Promotion List* provided by the Civil Service Department. The higher an applicant scores on the *Examination*, the higher his or her rank and *Examination Performance Score* will be.

The *Promotion Committee Score* is the total points resulting from the applicant's rating by the *Promotion Committee*. The *Promotion Committee* rates applicants according to a holistic merit-based, and performance-based method of evaluating specific factors relevant to the

applicant's ability or propensity to perform important duties of the new position. The *Promotion Committee* does not evaluate the applicants' ability to satisfactorily fulfill the job duties of the promoted position. Rather, the *Promotion Committee* considers how likely applicants are to excel in the promoted position. To ensure transparency for all applicants, the *Promotion Committee's* reasons for rating an applicant higher or lower than the standard rating will be documented. The *Promotion Committee* will also attempt to identify areas of improvement for applicants with low ratings.

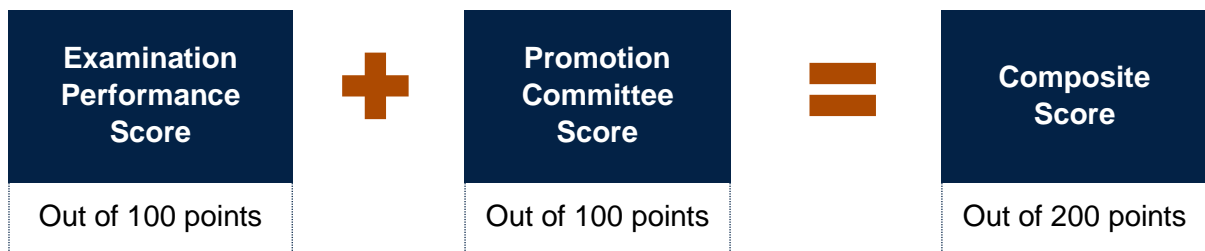
These two scores are summed together to create an applicant's *Composite Score*. The applicant's *Composite Score*, as well as any reasons for the applicant's rating and areas of improvement, will be provided to the applicant.

Applicants must then be ranked by *Composite Score* to create the *Promotion Prioritization List*, which the department must use to make the promotion.

## V. PROCEDURE

Departments must select applicants for promotion based on the order of the *Promotion Prioritization List*, which ranks applicants based on *Composite Score*, from highest to lowest. Each applicant must be given a *Composite Score* according to the following method (*Figure 1*). The applicant(s) with the highest *Composite Score* will be promoted.

*Figure 1*



More information on each of the two factors of the *Composite Score* are outlined below:

### A. *Examination Performance Score*

The Civil Service Department has a full-time test developer who is responsible for creating the *Examination*. The *Examination* evaluates applicants through an objective process administered by the Civil Service Department.

The Chief Administrative Office and the Administration recognize the value of this *Examination* in comparing applicants' general knowledge of, and ability to adequately perform, the basic duties of the position. This established promotion procedure will incorporate applicants' performance on the *Examination* by giving weight to each applicant's ranking on the *Promotion List* published by Civil Service.

The maximum possible *Examination Performance Score* is 100 points and the minimum possible score is 0 points. The applicant that ranks first on the *Promotion List* would receive the full 100 possible points for his or her excellent performance on the *Examination*. The applicant that ranks last on the list would only receive a few points, if any. Thus, an applicant's performance on the *Examination* directly affects his or her *Composite Score*. The amount of points awarded to each applicant is scaled according to the following formula (*Figure 2*):

*Figure 2*

*Examination Performance Score* =

$$\frac{\text{Total \# of Applicants on Promotion List} - (\text{Applicant's Rank on Promotion List} - 1)}{\text{Total \# of Applicants on Promotion List}} \times 100 \text{ points}$$

For example, an applicant who ranked 10<sup>th</sup> out of 47 applicants on a *Promotion List* would receive 81 points (*Figure 3a*) whereas an applicant who is ranked 44<sup>th</sup> on the same *Promotion List* would receive 9 points (*Figure 3b*).

*Figure 3a*

$$\begin{aligned} &\text{Examination Performance Score} \\ &= \frac{47 - (10 - 1)}{47} \times 100 \text{ pts} \\ &= 81 \text{ pts} \end{aligned}$$

*Figure 3b*

$$\begin{aligned} &\text{Examination Performance Score} \\ &= \frac{47 - (44 - 1)}{47} \times 100 \text{ pts} \\ &= 9 \text{ pts} \end{aligned}$$

#### B. *Promotion Committee Score*

Each applicant's *Composite Score* will also incorporate the *Promotion Committee Score*. This component of the *Composite Score* will account for sources of relevant information not captured by the *Examination*, as well as knowledge, skills, and ability that are particularly important to the position.

**Purpose.** The purpose of the *Promotion Committee Score* is to identify applicants whose demonstrated qualities, skills, and qualifications indicate that they are more or less likely to perform at a high level in the promoted position. This score will be determined by the *Promotion Committee*.

**Approval of Committee and Criteria.** Before the *Promotion Committee* can convene, the CAO, or his or her designee, must approve the members (by position) of the *Promotion Committee* and the criteria that the committee will use

to evaluate each applicant. A department may use different *Promotion Committee* members and different criteria for different classes of position within the department.

**Departmental Policy.** Following the CAO's approval, the department must issue a departmental policy describing the makeup of the *Promotion Committee* and evaluation criteria for each position subject to this policy memorandum. The departmental policy must also describe what records or other sources of information will be considered by the *Promotion Committee* and any requirements concerning information or materials to be provided by applicants. The department must distribute its policy on promotions to all employees in the department and make said policy available to future department employees.

**Composition of Promotion Committee.** *Promotion Committees* must be comprised of at least four (4) and at most six (6) senior-level department managers. The head of the department may, but is not required to be, a member of the committee. All members of the *Promotion Committee* must be employed in the promoting department (e.g. a manager from the Department of Safety & Permits cannot serve on a *Promotion Committee* for an NOPD promotion).

**Evaluation Criteria.** Once approved by the CAO, the *Promotion Committee* will convene to conduct a holistic review of every applicant's knowledge, skills, and abilities.

Examples of evaluation criteria that the *Promotion Committee* can consider are listed below. Criteria should be directly relevant to the applicants' ability to perform the promoted position at a high level. Note that all criteria being considered must be approved by the CAO.

- Original hire date
- Date of last promotion
- Seniority or time on the job
- Input from the applicant's direct supervisor
- Performance evaluations
- Disciplinary history
- Education
- Specialized training
- Leadership skills
- Communication skills
- Problem solving skills
- Interpersonal skills
- Support for departmental integrity measures
- Effective use of community engagement strategies

The *Promotion Committee* shall evaluate each applicant by these criteria and rate the applicant based on the information available to the committee. The weight or significance given to any one criteria will be consistent across all applicants for a given position. The absence of information about a particular

candidate regarding any of the factors will not negatively impact the applicant's rating.

**Rating System.** The *Promotion Committee* must consider each applicant individually. Every member of the *Promotion Committee* must review the available information about an applicant, after which the *Promotion Committee* will engage in discussion to determine the applicant's appropriate rating. The three possible ratings are as follows:

1. **(RP) Recommended for Promotion:** This is the highest possible rating. It signifies that, based upon the applicant's demonstrated qualities, skills, and qualifications, the *Promotion Committee* found the applicant likely to perform at a high-level in the promoted position.
2. **(AI) Acceptable for Immediate Promotion:** This is the standard rating. It signifies that the *Promotion Committee* found the applicant's demonstrated qualities, skills, and qualifications do not indicate that the applicant is either likely or unlikely to perform at a high-level in the promoted position.
3. **(A) Acceptable:** This is the lowest rating. It signifies that, based upon the applicant's demonstrated qualities, skills, and qualifications, the *Promotion Committee* found the applicant unlikely to perform at a high-level in the promoted position.

Each committee member must assign a rating to every applicant. The *Promotion Committee's* goal is to reach a consensus rating. However, if the members cannot agree on the appropriate rating, each member will rate the applicant based upon his or her evaluation of the applicant.

Under this rating system, candidates will be rated as *AI* unless a committee member finds that one or more of an applicant's factors warrant a higher or lower rating. Therefore, for every applicant rated as *RP* or *A*, the *Promotion Committee* must document its reasons by specifying, in writing, what factors and information warranted the rating. Additionally, if the committee gives an *A* rating to an applicant, the committee must attempt to identify areas for improvement that, if satisfactorily addressed, would result in a higher rating. When the committee does not reach a consensus rating, any member giving a rating of *RP* or *A* must also document his or her reasons in the same manner.

**Scoring.** The *Promotion Committee* ratings are assigned points. Each committee member's rating value is weighed equally (*Figure 4*).

*Figure 4*

$$\text{Maximum Points per Promotion Committee Member} = \frac{100}{\text{Total \# of Promotion Committee Members}}$$

*For example, in a Promotion Committee with five (5) members, each member's rating is worth a maximum of 20 points.*

Point values for each rating are also dependent on the number of members (*Figure 5*). The *RP* rating will be the maximum number of points per member; therefore, in the scenario above with five (5) members, a member that rates an applicant as *RP* assigned that applicant 20 points. The *AI* rating will be half of the *RP* rating; therefore, in the same scenario, a member that rates an applicant as *AI* assigned that applicant 10 points. 0 points are given for an *A* rating.

*Figure 5*

$$RP \text{ Point Value} = \frac{100}{\text{Total \# of Promotion Committee Members}}$$

$$AI \text{ Point Value} = \frac{RP \text{ Point Value}}{2}$$

$$A \text{ Point Value} = 0$$

The *Promotion Committee Score* is the sum of the points assigned by each member (*Figure 6*). The maximum total *Promotion Committee Score* that an applicant can receive is 100 points and the minimum is 0 points.

*Figure 6*

$$Promotion \text{ Committee Score} = \begin{matrix} \text{Member 1} \\ \text{Rating} \\ \text{Point Value} \end{matrix} + \begin{matrix} \text{Member 2} \\ \text{Rating} \\ \text{Point Value} \end{matrix} + \dots + \begin{matrix} \text{Member } n \\ \text{Rating} \\ \text{Point Value} \end{matrix}$$

$n$  = total number of Promotion Committee members.

**Refreshing Applicant Ratings.** The *Promotion Committee's* rating must be periodically refreshed to account for previously ineligible candidates becoming eligible and to reevaluate applicants based on new information and changes in performance and other circumstances. Prior to filling any vacancies with an existing *Promotion List*, the *Promotion Committee* must evaluate and rate any applicant who has not been rated and must reevaluate and rate any applicant whose rating has not been refreshed in the last six (6) months. The *Promotion Committee* may refresh applicant ratings as often as needed more to ensure that they accurately reflect applicants' demonstrated qualities, skills, and qualifications.

**C. Composite Score**

Once the *Promotion Committee Score* is determined, it is added to the *Civil Service Examination Performance Score* to create a *Composite Score*. Applicants are then ranked by *Composite Score* to create the *Promotion*

*Prioritization List*. This list must be published and made available to all applicants.

## **VI. RECORDS**

The *Promotion Prioritization List* must be published and made available to all applicants. The department must give every applicant written notice of his or her *Composite Score*, *Examination Performance Score*, *Promotion Committee Score*, rating by the *Promotion Committee*, reasons for the rating, and any areas of improvement identified by the *Promotion Committee*. *Promotion Committee* ratings, reasons for committee ratings, and areas of improvement identified by the *Promotion Committee* shall be confidential information.

For at least one (1) year after a promotion subject to this policy memorandum, or any longer period required by law or regulation, the promoting department must retain all documents and records considered or created by the *Promotion Committee*, as well as any and all other department documents or records concerning the promotion process described in this policy memorandum. These documents and records shall be maintained in a standardized manner that allows them to be readily produced to and reviewed by the CAO, the Civil Service Commission, the Personnel Director, or other entities with oversight responsibilities.

## **VII. INQUIRIES**

Any inquiries concerning this policy memorandum may be addressed to the Chief Administrative Office at [CAOrequests@nola.gov](mailto:CAOrequests@nola.gov) or (504) 658-8600.



**DRAFT:** Amendments to Rule VI, Section 3.5

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## 3.5

- (d) For each vacancy to be filled, within forty-five (45) calendar days after such names are certified, the appointing authority shall appoint one candidate whose name was included on the list of eligible candidates certified pursuant to these rules. Requisitions which are not returned within this 45 day period shall be canceled. In each case of acceptance of an appointment, such appointment shall become effective as of the date on which the appointee enters upon duty in accordance with the Law and Rules.
- (e) For each vacancy filled by promotion from a certified list of eligible candidates, the appointing authority shall comply with the following requirements:
  - (1) The appointing authority must maintain records that explain the reasons or basis for the appointing authority's decision to promote the employee. Where one or more official policies require the appointing authority to make the promotion decision on the basis of a certain process or criteria, the requirement of this subparagraph is satisfied if the appointing authority's records demonstrate how the appointing authority applied the required process or criteria to select the employee for promotion.
  - (2) The appointing authority shall not promote an employee for reasons that have no rational relationship to the employee's merit or fitness for the position to which he or she is being promoted.
  - (3) If a policy governs any aspect of the appointing authority's decision regarding a promotion, the appointing authority must adhere to the requirements of the policy when making the promotion.

**DRAFT:** Amendments to Rule VI 6.1

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## **Section 6. INVESTIGATIONS**

### 6.1 Promotion Protests and Investigations

(A) Any employee whom the Department has certified as eligible for a vacant position in the classified service may request an investigation into the promotion of another candidate or employee to said vacant position by timely filing a formal protest with the Department via the forms prescribed by the Department for such purpose. The protest must describe, with specificity, how the protesting employee alleges that the subject promotion violates one or more of these rules.

(B) A protest under this subsection must be filed within thirty (30) calendar days after the announcement date of the promotion at issue; any protest filed after this thirty-day period is not timely and will not be considered. For all time limits or deadlines in this subsection, if the last day of the specified time period falls on a weekend or official city holiday, the action subject to the time limit or deadline is timely if it occurs on the first work day following the last day of the specified time period.

(C) The parties to a protest under this subsection shall be:

- (1) the protesting employee,
- (2) the appointing authority, and
- (3) the employee who was promoted to the position at issue in the protest (“the promoted employee”).

Upon receipt of a protest under this subsection, the Director must immediately provide a copy of the formal protest to both the appointing authority and the promoted employee. The Director must also provide the promoted employee and the appointing authority with an opportunity to respond in writing to the allegations in the protest, and each party shall be allowed to submit documents and tangible evidence that are relevant to the rule violations alleged in the protest.

(D) The Director shall investigate only the issues and allegations raised by one or more parties to the protest. The Director may request that one or more parties provide additional documents, evidence, and information that the Director deems relevant to the investigation.

(E) If the Director receives inconsistent or contradictory evidence regarding facts relevant to the investigation, a hearing may be conducted no later than sixty (60) calendar days after the protest is filed. Except as otherwise provided in this subsection, the rules governing appeal hearings under Rule II of these rules are applicable to investigatory hearings under this subsection. The Director must identify the factual issues that require live testimony, and the scope of the hearing shall be limited to such issues. The Director may identify witnesses whose testimony is needed, and the hearing examiner may call witnesses or question witnesses called by the parties. The parties shall not be prevented from cross-examining witnesses or putting on otherwise admissible testimony and evidence that is relevant to issues within the scope of the hearing.

(F) Based on the evidence and information received during the investigation, the Director must issue a written decision stating the Director’s findings regarding the allegations and issues raised by the

**DRAFT: Amendments to Rule VI 6.1*****Chief Administrative Office***  
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parties. On the date that the Director's decision is issued, a copy of the decision must be provided to each party and to the Civil Service Commission. For any investigation under this subsection, the Director must issue a decision within sixty (60) calendar days after a hearing is completed, but in no case shall the decision be issued later than one-hundred and twenty (120) calendar days after the protest is filed. If the Director does not issue a written decision within the prescribed time limit, this fact shall be deemed to be a decision finding that the violations alleged by the protesting employee did not occur. If no party files a timely appeal to the Civil Service Commission, the Director's decision shall be final.

(G) A decision by the Director under this subsection is subject to review by the Civil Service Commission if any party files an appeal within fifteen (15) calendar days after the issuance of the Director's decision. When reviewing the Director's decision, the Commission shall accept written memoranda by the parties, subject to any requirements the Commission may set regarding timing of submission, length, form, and content. The Commission may also allow the parties to present oral argument. Under extraordinary circumstances, the Commission may receive and consider additional evidence not received during the Director's investigation. No later than ninety (90) calendar days after the appeal is filed, the Commission must issue a written decision that either affirms or modifies the Director's decision. If a written decision by the Commission is not issued within the prescribed time limit, the Director's decision shall be affirmed. The Commission's decision shall be final on the date it is issued.

(H). If a final decision under this subsection finds that a promotion was made in violation of these rules, said promotion shall be voided and the promoted employee returned to his or her previous position. The effects of a final decision described in this paragraph, unless suspended, will occur thirty-one (31) calendar days after the corresponding decision becomes final. If any party initiates judicial review proceedings before a court of competent jurisdiction within thirty (30) days after the final decision, the effects described in this paragraph are suspended pending the outcome of the judicial review proceedings. If the judicial review proceedings do not alter the findings of the final decision by the Director or the Commission, the effects described in this paragraph will occur on the seventh (7<sup>th</sup>) calendar day after the final resolution of the judicial review proceeding.

(I). If a judicial review proceeding concerning a decision under this subsection is instituted within thirty (30) calendar days after the decision becomes final, the promoted employee's working test period will be extended until the seventh (7<sup>th</sup>) calendar day after the final resolution of the judicial review proceeding.