

**CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS**

**STATE OF LOUISIANA**

**NO. 1981-11108**

**DIVISION "L"**

**NEW ORLEANS FIREFIGHTERS' LOCAL 632**

**VERSUS**

**CITY OF NEW ORLEANS, ET AL.**

**FILED:** \_\_\_\_\_

\_\_\_\_\_  
**DEPUTY CLERK**

**SUPPLEMENTAL AND AMENDING JUDGMENT ON LONGEVITY  
CALCULATIONS**

This matter came for hearing on February 2, 2007.

**PRESENT:**        LOUIS L. ROBEIN, JR., attorney for Plaintiffs;  
  
                      JOSEPH V. DIROSA, JR., attorney for CITY OF NEW  
                      ORLEANS; and  
  
                      JAY ALAN GINSBERG, attorney for CIVIL SERVICE  
                      COMMISSION.

**IT IS ORDERED, ADJUDGED AND DECREED** that the City is mandatorily enjoined to immediately revise its current and future pay for Class members as follows:

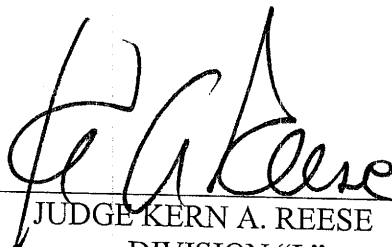
- A. The City will not apply pre-1979 offsets in any longevity calculation. This is not the law of this case and has not been litigated by this Court.
- B. The City will reinstate all 2.5% longevity increases that Class members have already received, including those years in which Firefighters received both a 2.5% longevity increase and City-wide raise or a Hiring Rate increase and those years that Firefighters received a 2.5% longevity increase for 25 or more years of service under the City longevity system;
- C. The City will include Supplemental Pay and Millage in calculating the upgrades in Firefighters' pay as ordered by this Court and the Fourth Circuit;
- D. The City will apply appropriate longevity increases pursuant to this Order for all Class members employed by the City between September 1, 2006, and the date this judgment issues;

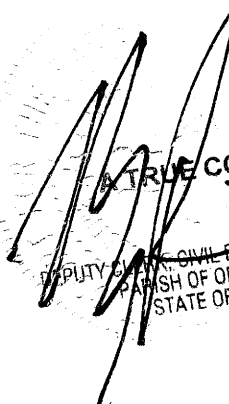
- E. The City will correct longevity calculations for Class members who started employment with the City in a different department from the Fire Department and who therefore have different City and Fire start dates; and
- F. The City will implement these changes immediately for pay going forward, and retroactive to September 1, 2006.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Class members may seek supplemental relief from this Court to have corrected any further discrepancies identified as this process goes forward, as the Court in its February 7, 2007 Reasons for Judgment has indicated it would do for such individualized discrepancies.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that this Judgment is to be implemented by the City immediately.

New Orleans, this 2<sup>nd</sup> day of March, 2007.

  
\_\_\_\_\_  
JUDGE KERN A. REESE  
DIVISION "L"

  
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PARISH OF ORLEANS  
STATE OF LA.

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**REASONS FOR SUPPLEMENTAL AND AMENDING JUDGMENT ON  
LONGEVITY CALCULATIONS**

This matter came for hearing on February 2, 2007.


PRESENT:        LOUIS L. ROBEIN, JR., attorney for Plaintiffs;  
  
                      JOSEPH V. DIROSA, JR., attorney for CITY OF NEW  
                      ORLEANS; and  
  
                      JAY ALAN GINSBERG, attorney for CIVIL SERVICE  
                      COMMISSION.

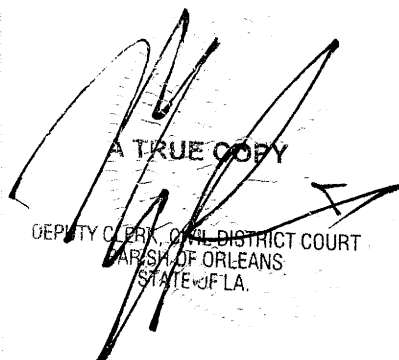
This Court conducted a hearing on Plaintiffs' motion for contempt on February 2, 2007. In the judgment rendered on February 7, 2007, the Court found the calculation methods suggested by all parties deficient and ordered them to revisit their calculations. The Court was particularly disturbed by the City's unilateral retraction of the City's longevity pay increase granted under the Civil Service pay plan. The Court did not deem it equitable to unilaterally strip away a legally conferred benefit. In 2001, the Civil Service Commission took action to change the pay plan. However, up to that point the City's longevity pay increases were legally conferred benefits. The Court allowed an offset for this increase in previous rulings. The City's unilateral and legally unauthorized action creates the hardship of unwarranted pay cuts to long-term employees. The City also did not include supplemental pay and millage pay in its calculations as ordered by this Court and the Fourth Circuit. Because of these deficiencies, the City is ordered to explicitly follow the orders of this Court and implement the longevity increases mandated

under La. R.S. 33:1992(B) as ordered herein as well as the other mandates stated in the previous rulings of this Court and the Court of Appeal.

In conclusion, the Court acknowledges the necessity of adhering to the tenets of the Civil Service Commission pay plan. Any increase in pay should be based upon a firefighter's base pay. Any salary increase calculation should also include City longevity raises, state longevity raises (33:1992(B)), supplemental pay, and millage pay. Any offsets that are applicable should be applied. The calculations should also include appropriate compounding of the firefighter's salary as a result of longevity. The Court wants to make clear the calculation is not simply based on "01" pay, but rather the Civil Service Commission base pay with the additions mentioned herein above. The Court feels this is the equitable method of calculating and implementing the longevity increases. This method will comply with the Civil Service pay plan, La. R.S. 33:1992(B), and will not deprive any civil service employee of any legally conferred benefit. The City is ordered to immediately implement this formula, adjust any firefighter's salary accordingly, correct any retroactive considerations and utilize this method from this point forward. Should these orders go unheeded, the City will be deemed in contempt of this Court and sanctioned accordingly.

New Orleans, this 2<sup>nd</sup> day of March, 2007.

  
JUDGE KERN A. REESE  
DIVISION "L"

  
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STATE OF LA.