

Bobby Jindal  
Governor

Cathy Derbonne  
Executive Director

Debbie Givens  
Program Manager

Christy Cephus  
Test Analyst

William A. Norfolk  
Attorney

M. Lenore Feeny  
Attorney



## State Police Commission

Post Office Box 66555  
Baton Rouge, LA. 70896-6555  
Phone (225) 925-7057  
Fax (225) 925-7058  
[www.laspc.com](http://www.laspc.com)

Calvin W. Braxton  
Commissioner

Donald Breaux  
Commissioner

Thomas "T.J." Doss  
Commissioner

Franklin M. Kyle, III  
Chairman

Freddie Pitcher  
Commissioner

William Goldring  
Commissioner

W. Lloyd Grafton  
Vice-Chairman

General Circular No. 180

Date: October 28, 2015

Subject: Revision of State Police Commission Rule Chapter 6 Pay Plan

Pursuant to the provisions of State Police Commission Rule 2.10 (a), the State Police Commission will hold a public hearing on November 12, 2015, to consider the revision of State Police Commission Rule Chapter 6 Pay Plan. The hearing will begin at 9:00 A.M. in Suite 208, Office of Management and Finance and OMV Building, 7979 Independence Boulevard, Baton Rouge, Louisiana.

### CHAPTER 6

#### UNIFORM PAY AND CLASSIFICATION PLAN ~~PAY PLAN~~

##### 6.1 Philosophy

The pay rates for the ~~State's classified workforce~~ Classified State Police Service will be established in accordance with a system that generally considers such factors as availability of applicants, the quality of the applicant pool, turnover rates, federal law, market competition, pay practices of market competitors, the evaluation system ranking, employee performance and level of funding available. ~~The State will not be a market leader, but, for the most part, will follow the market as the value of jobs change.~~

##### 6.2 Preparation of Pay Plan

(a) The Director, after consultation with the appointing authority and the state fiscal officer and after conducting such research as the Director deems appropriate, shall cause to be prepared for submission to the Commission, a Uniform Pay and Classification Plan, or amendments thereto, for the classified service. The Director may propose different rates of pay in different localities and areas of the state depending upon

availability of applicants and other factors impacting compensation.

(b) The Director shall make a recommendation to the Commission concerning a pay structure adjustment at least annually.

### 6.3 Adoption of Pay Plan

(a) Any ~~Pay Plan~~ Uniform Pay and Classification Plan, or amendments thereto, proposed by the Director shall be submitted to the Commission for its consideration at a public hearing called for this purpose.

(b) The State Police Commission, upon adoption of a ~~Pay Plan~~ Uniform Pay and Classification Plan, shall specify the manner in which the ~~Pay Plan~~ Uniform Pay and Classification Plan is to be implemented.

~~(c) A Pay Plan may include, but not necessarily be limited to an adjustment to the pay structure, an increase of limited duration, a general increase and/or new, revised or abolished jobs.~~

(c) Repealed, Effective November 12, 2015

(d) A Uniform Pay and Classification Plan ~~Pay Plan~~ or amendment thereto, when adopted by the Commission after public hearing shall become effective: ~~1. only~~ after approval in its entirety by the Governor.

### 6.4 Rates of Pay

The pay range for each ~~job~~ grade shall consist of a range minimum and maximum.

(1) The pay range for each ~~job~~ grade shall consist of designated salary rates representing the following career achievements:

(a) \*representing the entrance salary or hire rate,

(b) \*\*representing a promotional step at the attainment of Police Officer Standards and Training (POST) certification and graduation from the State Police Training Academy,

(c) \*\*\*representing a promotional step at the successful completion of the Field ~~Officer~~ Training Officer (FTO) Program ~~or successful performance of four months of service~~

~~following POST certification and graduation from the State Police Training Academy,~~

(d) Twenty-two consecutive longevity step rate increases to an employee who is in active status ~~as of June 30th of the performance evaluation year.~~

(2) Subject to the provisions of Rules 6.11, 6.15, and 6.16 each employee shall be paid at the rate representing his/her service tenure as applicable for the pay level assigned to the grade for which his/her position is allocated, in accordance with the provisions of Rule 6.16.

## 6.5 Hiring Rate

Pay upon employment shall be at the ~~lowest salary rate~~ minimum of the range established for the grade of the ~~job~~ job title to which the position is allocated except:

~~(a) Job Appointment~~

~~The pay of a probational, or job appointee shall not be reduced when an the employee who has been is earning more than the hiring minimum rate of pay for the job position occupied he occupies, and is then probationally appointed to a position in the same job grade, or a different position with the same maximum rate of pay, in the same department without a break in service. of one or more working days.~~

Repealed, Effective November 12, 2015

(b) Special Entrance or Retention Rates

When economic or employment conditions cause substantial recruitment or retention difficulties, the Director may authorize the appointment of qualified applicants at a special entrance rate or may authorize the use of a special retention rate within the range, for the ~~job~~ position in a limited geographical area or for positions in a job title where employment conditions are unusual.

1. The department ~~or departments~~ to which the special rate is made applicable having employees in the same ~~job~~ position in the affected area or locale where the special rate will be used, shall increase the pay rate of all such employees to the special rate. All new hires shall be paid at the special entrance or special retention rate. An appointing authority may adjust the salaries of employees working in the positions to which the special entrance rate applied

to any salary up to, but not to exceed, the amount of the percent difference between the special rate and the current hiring rate.

2. When special entrance rates or special retention rates are adjusted downward, the individual pay rates of employees occupying positions affected by the authorized rates shall not be changed.

3. Special entrance rates and special retention rates must be approved by the Commission at its next scheduled meeting after action was taken by the Director.

(c) Reentering the Classified Service

The pay of an employee reentering the classified State Police Service, other than one being restored to duty following military service, shall ~~may~~ be set ~~at any salary rate in the range~~ to represent his/her service tenure as applicable for the pay level assigned to the grade which his/her position is allocated ~~and the pay does not exceed the highest salary he previously earned while serving with permanent status in a classified position other than detail to special duty,~~ and does not exceed the salary rate designated for the total number of years of State Police Service by the employee.

~~If the range for the job has been adjusted and the range hiring rate is higher than the employee's former salary, the employee will enter at the hiring rate. range minimum. If the value of the salary rate column equal to the total number of years of State Police Service acquired by the employee has been raised since the employee's separation, their pay may be set at the higher rate. If the former salary is higher than the range highest salary rate, the employee's pay rate shall be set no higher than the range highest salary rate. The appointing authority may at any time, and to the extent permitted by other provisions of these Rules, any increase for which an employee having reentered the classified service possesses eligibility under this subsection. This Rule shall not apply to a former employee who was separated for delinquency, misconduct or unsatisfactory performance, or who resigned to avoid disciplinary action, who was dismissed or resigned to avoid dismissal.~~

(d) Restoration of Duty Upon Return from Military Service

- 1) ~~Subject to rule 8.19, when~~ Any employee, who subsequent to June 24, 1948, has left or leaves a classified position within State Police Service in which he was or is serving

with probationary or permanent status, for active duty in the armed forces of the United States for not more than six years of voluntary service or an indefinite period of involuntary service and who upon separation from the armed forces by honorable discharge or under honorable conditions makes application for reemployment within ninety days thereof or within ninety days after he or she is released from hospitalization continuing after discharge for a period of not more than one year shall be restored to such position or to a position of like seniority, status, and pay.

2) When an employee returns from military service and is restored to duty in his former, equivalent or lower position, the employee's pay shall be set at the rate earned representing his/her service tenure as applicable for the pay level assigned to the grade for which his/her position is allocated before prior to leaving the classified State Police Service. If the job position or equivalent job position had been upgraded or any pay adjustments granted, the employee shall be granted a pay rate reflecting the impact of these adjustments, as though he had been in that job position at the time of the adjustments. If the employee's rate of pay does not match that of the established salary rate for the total years of State Police Service in the grade assigned to the position the employee will occupy, the employee's salary rate shall be red circled in accordance with provisions of Rule 6.15.

~~(c) Special Hiring Rate~~

~~The Director, with the approval of the Commission, may establish special hire rates for workers employed persons subject to the State Police Service Article, the appointing authority which administers federal funds for use in this state, either directly or indirectly, or as a grant-in-aid or to be matched or otherwise, provided the appointing authority is required to, by rule or regulation of, or contract with, a participating federal authority to pay such special rates, except that an the appointing authority must comply with the minimum wage rate as prescribed and required by Federal rules, statutes, regulations and judicial decisions, which such minimum rate is more than in excess of that provided for in these rules.~~

Repealed, Effective November 12, 2015

**6.5.1 Pay Upon Appointment From a Department Preferred Reemployment List**

~~Subject to Rule 6.14,~~ the pay of ~~a person~~ an employee appointed from a department preferred reemployment list shall may be set at the rate representing his/her service tenure as applicable for the pay level assigned to the grade for which his/her position is allocated. ~~no higher than the employee's rate of pay at the time of the layoff or displacement action, which entitled the employee to placement on the preferred list from which they are appointed, or at the employee's current rate if such rate is higher based on other provisions of these Rules. Never The rate of pay be higher than the range highest salary rate for the class to which appointed.~~

#### **6.6 Market Rate Job Title Assignment**

When the pay range for the grade to which a job title is currently assigned either is not sufficient to compete with prevailing market conditions, or is found to exceed prevailing market rates, the Commission Director in accordance with Rules 6.1 and 3.1(n), may authorize the assignment of the job title to a grade with a more appropriate job or pay range. The individual pay rate of employees occupying ~~jobs~~ positions which are affected shall be set in accordance with Rule 6.8.

#### **6.7 Rate of Pay Upon Promotion**

- (a) When an employee is promoted to a position in a higher grade, their pay shall be ~~the rate of pay~~ established for the corresponding salary rate representing their service tenure as applicable for the pay level assigned to the higher grade, along with all performance adjustments accrued prior to promotion.
- (b) When an employee has been detailed with pay to a higher ~~job~~ grade and is promoted to that same ~~job~~ grade directly from the detail, their pay eligibility on promotion shall not be less than they received on detail.

#### **6.8 Pay Upon Grade Assignment**

Subject to review by the Commission, when the Director, assigns a job title to a different grade or a position from one job title to another,

- (a) If the job title to which the position is allocated is in a higher grade or if the job title is assigned to a higher grade, the affected employee's pay shall be set in accordance with Rule 6.7.

(b) If the job title to which the position is allocated is in a grade lower than the current job title or the job title is assigned to a lower grade, the affected employee's pay will not change, but shall be subject to provisions of Rule 6.15.

(c) If the job title to which the position is allocated is in the same grade or if the job title is assigned to the same grade level, the employee's pay shall not change.

## 6.9 Pay Upon Reassignment

When an employee is reassigned to another position, the rate of pay shall be set representing his/her service tenure as applicable for the pay level assigned to the grade for which his/her position is allocated, along with all performance adjustments accrued.

~~not be reduced without their permission.~~

## 6.10 Rate of Pay Upon Demotion

(a) When an employee is demoted for disciplinary reasons, ~~or in Lieu of Layoff required solely by budgetary reasons~~, the appointing authority may set the employee's pay at any salary rate within the lower ~~minimum pay range~~ pay grade which does not exceed their current rate of pay and the salary rate designated for the total number of years of State Police Service by the employee.

(b) When an employee takes a voluntary demotion, their rate of pay ~~in the lower grade shall be set at a salary rate within the lower minimum range which does not exceed their current rate of pay and the salary rate designated for the total number of years of State Police Service by the employee as agreed to by the employee and the appointing authority.~~ representing his/her service tenure as applicable for the pay level assigned to the grade for which his/her position is allocated, along with all performance adjustments accrued.

(c) When an employee is involuntarily demoted for non-disciplinary reasons, or is demoted in Lieu of Layoff required solely by budgetary reasons, their rate of pay shall ~~not be changed except for layoffs required solely by budgetary cuts and Rule 6.15 shall apply.~~ be set representing his/her service tenure as applicable for the pay level assigned to the grade for which his/her position is allocated, along with all performance adjustments accrued.

## 6.11 Rate of Pay on Detail to Special Duty

When an employee is detailed to special duty, their pay shall not be reduced; if the position is allocated to a job title which is assigned to a higher grade, his pay shall be increased to the rate they could receive upon promotion to such position, provided:

(a) Any such temporary increase granted the employee shall not affect their eligibility for pay increases which they would have acquired in his regular position had they not been detailed.

(b) At the conclusion of the detail, the employee's pay shall revert to his authorized rate of pay in their regular position.

## ~~6.12 Compensation for Part-Time Services~~

~~(a) When part-time service in any position is authorized or rendered, the actual compensation to be paid shall be the appropriate hourly rate.~~

~~(b) When part-time service is rendered, it shall be the duty of the appointing authority to certify to the Director, on each notice of appointment or change in status of the employee, the percent of full-time hours to be worked.~~

~~(c) An employee paid on a monthly or semi-monthly basis, who is employed for only part of a pay period shall be paid for the proportionate calendar days worked.~~

(6.12) Repealed, Effective November 12, 2015

### 6.12.1 Compensation for Holidays

Employee shall be eligible for compensation on holidays observed except when the employee is on leave without pay immediately preceding and following the holiday period;

~~(a) When the employee's regular work schedule averages less than 20 hours a week;~~

~~(b) When the employee is on restricted appointment;~~

~~(c) When the employee is on leave without pay immediately preceding and following the holiday period; or~~

~~(d) When the employee is on an intermittent work schedule.~~

(a) (b) (c) (d) Repealed, Effective November 12, 2015

### **6.13 Certification and Payment**

(a) No employee shall receive any compensation except as authorized by or pursuant to the provisions of Article X, the State Police Commission Rules, the Uniform Pay and Classification Plan, and the policies and procedures issued by the Director.

(b) If payments to an employee are found to have been made in violation of the provision of Article X, the State Police Commission Rules, the Uniform Pay and Classification Plan, or the policies and procedures issued by the Director, the Director may take any corrective action deemed appropriate or may direct the appointing authority to take such corrective action. Corrective actions may include, but are not limited to, the rescission of any actions and associated compensation, or restitution to the employee.

### **6.14 Longevity Step Rate Increases and Performance Adjustments**

(a) An employee who is in active status ~~as of June 30th of the performance evaluation year~~, and who has achieved the rank of State Police Trooper or higher, will receive a longevity step rate increase in accordance with the approved pay plan. The employee is also eligible for and may be granted a performance adjustment of 1% above the employee's rate within the approved pay plan, provided that the appointing authority has determined his performance merits a performance adjustment ~~such an adjustment~~ and funding for the performance adjustment is available. A longevity step rate increase shall be granted to employees each year.

(b) When applying the longevity step rate increase ~~performance adjustment~~, the employee's current pay increases to the rate of pay established for the higher salary rate immediately following the employee's current rate in accordance with the approved pay plan within the pay range for which the employee's job title is assigned.

(c) Upon a new employee's successful completion of the State Police Training Academy, they become eligible for and may be granted a promotional increase in accordance with the approved pay plan provided that the appointing authority has determined their performance merits such an award.

(d) Repealed effective January 1, 2015

(e) At the end of the new employee's Field Training Officer (FTO) program, ~~or if the new employee's position does not require participation in the Cadet FTO program and the new employee has been continuously employed without a break in service of one or more working days for eight (8) months,~~ the employee becomes eligible for and may be granted an additional promotional increase in accordance with the approved pay plan provided that the appointing authority has determined that their performance merits such an award.

(f) The appointing authority may, at any time within three (3) years from the date an employee gained eligibility, grant an employee all or any one of the performance adjustments for which they have attained eligibility provided the employee has not received an unsatisfactory service rating for the applicable year(s). ~~A part-time employee shall receive the same credit they would receive if they were employed on a full-time basis.~~

(g) All increases herein authorized are subject to the requirement that no employee's pay shall exceed the highest established salary rate for the range to which the position is assigned.

(h) Repealed effective January 1, 2015

~~(i) An employee's eligibility for the increases authorized in this rule shall not be interrupted by time served in the military service if they are reemployed under the provisions of Rule 8.19~~

(i) Repealed, Effective November 12, 2015

~~(j) Any adjustment or increase which an employee receives under the provisions of other rules, unless otherwise indicated, shall not affect such employee's eligibility to receive increases authorized under this rule.~~

(j) Repealed, Effective November 12, 2015

(k) An employee whose official overall evaluation is "Needs Improvement/Unsuccessful" shall not be eligible for ~~any~~ a performance adjustment ~~increases~~ under the provisions of this rule.

(l) A former employee who is reemployed following certification from a department preferred reemployment list within a

year of the layoff date shall retain the anniversary dates, longevity step rate increases and performance adjustment eligibilities earned under this rule for which they have been granted increases ~~an increase~~. If reemployed from a preferred list after one year, they shall be considered a new employee with regard to the establishment of their anniversary date, longevity step rate increases and performance adjustment eligibility.

(m) An employee on detail to a position in a higher grade will be granted longevity pay increases in the higher grade calculated on their individual pay rate in the higher grade. ~~may be eligible for a performance adjustment in the higher job calculated on their individual pay rate in the higher job.~~ An employee on detail to a position in a higher grade is also eligible for a performance adjustment.

### **6.15 Red Circle Rates**

(a) In accordance with the Uniform Pay and Classification Plan, rates that fall precisely on an established salary rate become the employee(s) authorized individual pay rate.

(b) Individual pay rates that fall between established salary rates become temporary red circle rates and remain in effect until the employee becomes eligible for and receives an increase which places their salary on a established salary rate. Individuals whose salary rates are temporarily red circled shall be eligible for any other pay adjustments provided for in the rules.

(c) Individual pay rates that fall above the highest salary rate established for the grade become red circle rates and remain in effect until the range catches up with the rate. However, eligibility for a red circle rate above the highest salary rate grade is lost upon separation from the State Police Service, demotion, or promotion. Individuals whose salary rates are red circled above the highest salary rate shall not be eligible for any other pay adjustments provided for in the rules.

(d) Red circle rates are assigned under the conditions outlined below:

1. When the job title to which a position is allocated is assigned to a lower grade.
2. When a position is reallocated to a job title assigned to a lower pay grade.

3. When an adjustment to the pay structure lowers the range for the grade to which a job title is assigned.

4. When positions are declared to be in the classified service and the employee's current rate of pay falls above the highest salary rate of the range for the grade of the job title into which the position(s) are allocated.

~~5. When the employee's pay exceeds the highest salary rate of an approved market grade.~~

~~6.~~ 5. When an employee has returned from military duty and their pay is set for an amount other than an established salary rate ~~under the provisions of Rule 6.5[e].~~

~~7.~~ 6. When an employee's pay does not match an established salary rate due to an involuntary demotion for non-disciplinary reasons under the provisions of Rule 6.10[c].

## 6.16 Special Pay Rates

Under conditions described below, the Commission may authorize special pay considerations, beyond those already prescribed in these rules.

### (a) Shift Differential

In order to remain competitive with the pay practices of market competitors, additional pay may be authorized for shift work or other non-standard work hours.

### (b) Extraordinary Duty

Additional pay may be authorized for an employee who performs extraordinary duty that is not an integral part of his regularly assigned duties.

### (c) Individual Pay Adjustment

When an appointing authority requests and can present adequate justification with documentation before the Commission in public hearing, the Commission may grant special adjustment in pay for individual employees.

~~(c) An appointing authority may, after presenting justifiable reasons in writing to the Commission, and with the Commission's approval, pay an incentive award at any time that the justifications have been shown.~~

(d) Premium Pay

In order to provide a special pay rate to apply to situations which other rules do not cover, the State Police Commission may authorize premium pay for positions ~~in a job~~ where employment conditions are unusual, to remain competitive with the pay practices of market competitors.

(e) The special pay rates authorized by the Rule shall not be effective until approval by the Commission at a public Hearing; with the limited exception that the State Police Commission Director may grant interim approval of individual pay adjustments for an employee until the next Commission meeting where a pay adjustment request can be placed on the agenda. At that time, the appointing authority shall provide justification for the special pay adjustment. In the event the request is denied by the Commission, the employee shall not suffer any loss of pay from the date of the interim approval until the date the Commission denies the request.

#### **6.17 Pay on Entering the Classified Service**

An employee who enters the classified state police service ~~because their position has been declared to be in the classified service~~ shall have their pay established as follows:

(a) The pay range for each grade shall consist of a range minimum and maximum. ~~If the employee's current rate of pay falls on an established salary rate within the range, their rate of pay shall remain the same.~~

(b) ~~If the employee's current rate of pay is below the range hiring rate, it shall be brought to the range hiring rate.~~

(c) ~~If the employee's current rate of pay is above the range highest salary rate, Rule 6.15 shall apply.~~ Twenty-two consecutive longevity step rate increases shall be granted to employees yearly, in accordance with Rule 6.14(a). ~~who are in active status as of June 30th of the performance evaluation year in accordance with the approved pay plan.~~

(d) ~~If the employee's current rate of pay is between salary rates, Rule 6.15 shall apply.~~ In no case shall the rate of pay be higher than the range maximum rate for the grade level.

#### **6.18 Definition of Overtime Hour**

An overtime hour is an hour worked by an employee at the direction of the appointing authority:

(a) On the employee's official holiday; or

(b) In excess of the regular duty hours in a regularly scheduled workday, as designated under Rule 11.1~~(e)~~, ~~or 11.2(b)~~; or

(c) In excess of the regular duty hours in a regularly scheduled workweek as designated under 11.1~~(e)~~, or 11.2~~(b)~~.

~~(d) In excess of forty hours worked during any regularly recurring and continuous seven-day calendar work period where excessive hours are systematically scheduled. Any holiday observed during the work period is counted as a day worked.~~

(e) In excess of eighty hours worked during any regularly recurring and continuous bi-weekly calendar work period where excessive hours are systematically scheduled. Any holiday observed during this work period is counted as a day worked.

~~(f) In excess of the hours worked in a regularly established, continuous, and regularly recurring work period where hours average forty hours per week, regardless of the manner in which scheduled, and where excessive hours are systematically scheduled. Any holiday observed during the work period is counted as a day worked.~~

(g) A day on which an assigned duty station ~~department or a division thereof~~, is closed by direction of the appointing authority because of natural or manmade emergencies, ~~in accordance with the provision of Section B(5) of the LSA - R. S. 1:55.~~

## **6.19 Methods of Compensation for Overtime Hours Worked**

Compensation for overtime, if applicable, shall be one of the following:

(a) Cash payment at the time and one-half rate (Premium pay, shift differential, and non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of the employee's wages under the Fair Labor Standards Act may be included in calculating the rate of pay at time and one-half.)

(b) Cash payment at the regular rate (Premium pay, shift differential, and non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of wages under the Fair Labor Standards Act shall not be included in calculating the rate of pay at the regular rate.)

(c) Compensatory leave earned hour for hour.

(d) Compensatory leave earned at the time and one-half rate.

**6.20 Options For Full-Time Employees for Overtime Hours Actually Worked in Excess of Eighty Hours per Work Period**

As provided by Rule 6.24, the appointing authority shall select and use one of the applicable options listed below for those overtime hours actually worked in excess of 80 hours per work period.

FLSA STATUS

OPTIONS

(a) Nonexempt

1. Cash Payment at time and one-half rate; or
2. Compensatory leave earned at time and one-half rate.

(b) Exempt

1. Cash payment at regular rate; or
2. Compensatory leave earned hour for hour; or

~~3. No overtime compensation.~~

**6.21 Overtime Options for Full-Time Employees for Overtime Hours Not Actually Worked in Excess of Eighty Hours per Work Period Due to Holidays Observed or Leave Taken**

The appointing authority shall select and use one of the applicable options listed below for those overtime hours not actually worked in excess of eighty hours per work period due to holidays observed or leave taken.

FLSA STATUS

OPTIONS

(a) Nonexempt

1. Cash payment at regular rate; or
2. Compensatory Leave earned hour for hour.

(b) Exempt

1. Cash payment at regular rate; or
2. Compensatory Leave earned hour for hour; or

~~3. No overtime compensation.~~

~~6.22 Overtime Options for Part-Time Employees~~ Payment for Hours Worked During an Office Closure

Both exempt and non-exempt employees shall be compensated via the payment of wage calculated at the time and one-half rate, along with office closure pay, for any hours worked at designated locations due to and directly related to an emergency situation which caused an official office closure.

~~The appointing authority shall select and use one of the applicable options for:~~

~~(a) A regular part-time employee who works in excess of their scheduled workday or work period, but does not work in excess of eighty hours in a work period:~~

- ~~1. Cash payment at regular rate.~~
- ~~2. Compensatory leave earned hour for hour.~~

~~(b) A regular part-time employee who works in excess of eighty hours per work period and is nonexempt shall be compensated in accordance with Rule 6.20.~~

~~(c) A regular part-time employee who works in excess of eighty hours per work period and is exempt:~~

- ~~1. Cash payment at regular rate; or~~
- ~~2. Compensatory leave earned hour for hour.~~

~~(d) An intermittent employee:~~

- ~~1. Overtime for work in excess of eighty hours per work period by nonexempt employees shall be compensated in accordance with Rule 6.20; or~~
- ~~2. Overtime for work in excess of eighty hours per work period by exempt employees shall be compensated by cash payment at regular rate; or~~
- ~~3. Work not in excess of eighty hours per work period is not considered overtime.~~

## 6.23 Overtime Options for Work on Holidays

(a) An appointing authority shall select and use one of the applicable options for overtime work not in excess of eighty hours per work period performed on holidays.

### FLSA STATUS

### OPTIONS

#### 1. Nonexempt

- a. Cash payment at time and one-half rate; or
- b. Cash payment at regular rate; or
- c. Compensatory time earned hour for hour.

#### 2. Exempt

- a. Cash payment at regular rate; or
- b. Compensatory time earned hour for hour; or
- ~~c. No overtime compensation.~~

(b) Work performed in excess of eighty hours per work period shall receive overtime compensation in accordance with Rule 6.20, whether or not work is performed on a holiday.

## 6.24 Special Overtime Pay Provisions (Fair Labor Standards Act, Section 7)

An appointing authority may use any of the special overtime pay provisions permitted by the Fair Labor Standards Act; however, if an employee actually works in excess of full-time hours during the pay period, but less than the number of hours required to be treated as overtime under FLSA, Rule 6.20 only shall apply for such overtime hours.

## 6.25 Caps on Accumulation of Compensatory Leave

(a) Employees who accrue Fair Labor Standards Act compensatory leave at the time and one-half rate shall accumulate no more of such compensatory leave than allowed under the Fair Labor Standards Act.

(b) Once the maximum balance of Fair Labor Standards Act compensatory leave earned at the time and one-half rate is reached, any additional overtime work in excess of 80 hours per 2 week pay period must be paid to an eligible employee in cash at the time and one-half rate.

(c) Compensatory leave earned hour for hour (non-Fair Labor Standards Act) may be accrued up to a maximum balance of ~~540~~ 1,000 hours at the end of any fiscal year. Transfer, cancellation and crediting of compensatory leave is provided for under the provisions of Rule 11.29.

## 6.26 State Police Commission Review of Nonexempt Positions

(a) It is the responsibility of the appointing authority on an ongoing basis to determine whether an employee occupying a position should be considered nonexempt under the Fair Labor Standards Act. Such employees must be paid in accordance with the Fair Labor Standards Act, and prior approval from the Director is unnecessary. Following such determination, the appointing authority shall provide the Director with a listing of such job titles and number of positions.

(b) Such listing will be reviewed by the Director in order to serve as a check to insure an understanding of the FLSA exemptions and to compare with information provided for classification purposes.

## 6.27 Exceptions to the Overtime Rules

Exceptions to the Rules on overtime compensation are as follows:

(a) For positions which are exempt under the Fair Labor Standards Act the Commission may grant authority to use any of the options for overtime compensation when:

1. An appointing authority petitions the Commission for this authority. The Commission, may, with such restrictions as it deems appropriate, permit the use of time and one-half compensation to employees who occupy exempt positions.

2. The Director petitions the Commission for authority to utilize time and one-half compensation to specific jobs positions. Such authorizations, when approved, shall be published in a General Circular.

~~(b) Unless otherwise required for nonexempt employees under the provisions of the Fair Labor Standards Act or other federal rules, regulations and judicial decisions, cash payment at time and one-half rate, cash payment at the regular rate, and compensatory leave earned at time and one-half rate do not apply for employees:~~

- ~~1. While performing civilian duty, under the administrative supervision of one other than the appointing authority,~~

~~during an officially declared national, regional, or local emergency.~~

~~2. While "on call" away from their duty post.~~

~~3. While attending or traveling to and from conventions, workshops, training courses, study groups, and related activities.~~

~~4. While performing duties pursuant to a determination made by his appointing authority under the provisions of Rule 11.29(g).~~

~~(c) All payable compensatory leave earned by an employee, prior to April 15, 1986, who later separated from the classified service to enter the military, shall be paid for such leave at the time and one-half rate upon his restoration to duty in accordance with State Police Commission Rules 8.19, 11.26(a), or 11.26(b). This shall apply only to payable leave for which he received no payment and which he did not take before separation.~~

(b), (c) Repealed, Effective November 12, 2015

## **6.28 On-Call Pay**

(a) The Director may authorize payment of on-call pay through policy directives which establish guidelines for on-call pay and which establish maximum authorized rates. The Commission may authorize on-call pay at a higher rate than established by the Director.

(b) Such on-call pay is compensation for hours in excess of the employee's regularly scheduled hours of duty, when they are available for call back to their duty station, work-ready, within a specified period of time, at the direction of the appointing authority. On-call pay is in addition to the employee's regular pay and is not to be included in computation of overtime payments or terminal leave payments allowed under provisions of other Sections of the Rules. On-call pay shall not be granted to an employee for their regularly scheduled hours of duty. Further, when an employee is called back they shall be considered in duty status and eligible for applicable overtime compensation.

## **6.29 Other Compensation**

~~If the An appointing authority desires desiring to provide compensation not specifically covered either by Chapter 6 of these Rules, or by the classification and pay plan, it shall~~

obtain approval from the Commission of a plan for providing such compensation, and shall obtain certification in accordance with Rule 6.13 prior to providing such compensation. The alteration of any such plan shall not be made without the prior approval of the Commission.

T/S-53 (Rule 6.14(j))

09/12/2013

T/S-54 (Rule 6.3(d), 6.4, 6.14)

10/09/2014