

State Police Commission



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Jane Orr, Director

September 23, 1991

TRANSMITTAL SHEET NO. 1

TO: State Police Commission Members, Colonel Marlin A. Flores, Russell J. Culotta, Rosemary Hannie, Walt Smith, James E. Jordan, Jr., Michael W. O'Neal, Wayne D. Winkler, Barry J. Hebert, Michael R. Field, Steven J. Martel, Jimmy B. Odom, James L. Matthews, III, Bernard R. Daigle, Claude O. Alford, James C. McKenzie and Albert D. Pressburg

SUBJECT: Amended State Police Commission Rule 13.35

At its September 16, 1991 meeting, the State Police Commission amended State Police Commission Rule 13.35 as attached. Please insert this page in Chapter 13 of the State Police Commission Rules.

Sincerely,



Jane Orr
Executive Director

Attachment

13.33 Interrogatories; Pre-Trial Discovery; Rehearing of Appeal.

- (a) Interrogatories and pre-trial discovery proceedings shall not be recognized by the Commission or a referee.
- (b) No rehearing shall be granted from a final decision of the Commission or from a final decision of a referee. Final decisions of a referee shall be subject to review as is provided in Rule 13.36.

13.34 Finality of Commission Action on Rules and Plans.

No appeal to the Commission shall lie from the adoption by the Commission, after public hearing, of a Classification Plan, a Pay Plan, or of any Rule, or of any Amendment to said Plans or Rules.

*13.35 Attorney's Fees.

- (a) When the Commission approves a settlement, rescission or modification of an action that has been appealed, or renders a decision which reverses or modifies an action that has been appealed, the appellee may be ordered to pay attorney's fees in an amount not to exceed \$1,500, unless the Commission finds that the appointing authority has acted arbitrarily and capriciously, in which case the Commission may award reasonable attorney's fees in excess of that amount.
- (b) The Commission or a referee may allow such evidence and argument in support of the request for attorney's fees as is deemed appropriate considering the status of the appeal at the time the request for attorney's fees is filed. No attorney's fees shall be awarded unless a written request is filed before the final disposition of the appeal by the Commission.

13.36 Application for Review of a Referee's Decision.

- (a) Any party may file with the Commission an application requesting the Commission to review a decision of a Referee on any question of law or fact.