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General Circular No. 176

Date: August 26, 2015

Subject: Announcement of Public Hearing Regarding Revision of State Police Commission Rule Chapter 1: Definitions - This General Circular Supersedes Previous General Circular No. 173

Pursuant to the provisions of State Police Commission Rule 2.10 (a), the State Police Commission will hold a public hearing at 9:00 a.m. on September 10, 2015, to consider the revision of State Police Commission Rule Chapter 1: Definitions.

CHAPTER 1

DEFINITIONS

The following words and phrases when used in these Rules shall have the following meaning ---

Abandonment of Position - the desertion by a classified employee of his position.

Acceptable Rating - a performance appraisal rating of either ~~"Achieves Results Expected," "Exceeds Results Expected" or "Outstanding"~~ "Exceptional", or "Successful", ~~or "Needs Improvement/Unsuccessful"~~.

Action - a personnel transaction affecting a change to a person's employment or to a position.

Administration - refers to the State Police Commission.

Allocation - the determination of the job to which a position is deemed to pertain.

AN EQUAL OPPORTUNITY EMPLOYER

Anniversary Date - the date at which an employee is eligible for a merit increase in pay measured from the first date of continuous State Police Service, normally one (1) year from date of hire. All time experienced in the State Police Service is counted as eligible time. If service time has been interrupted by breaks in service, add the composite of all State Police Service experience to the new hire date to determine the employee's anniversary date.

Annual Leave - is leave with pay granted an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or transaction of personal affairs.

Appeal - classified employees have a right of review by the State Police Commission of certain disciplinary actions and certain discriminatory actions more specifically described in Commission Rule 13.1.

Applicant - a person who has completed and submitted a cadet application to the Louisiana State Police Commission seeking a Trooper position with the Louisiana State Police.

Appointing Authority - ~~the agency, department, board or commission, and the officers and employees thereof authorized by statute or by lawfully delegated authority~~ - the Deputy Secretary of the Department of Public Safety and Corrections, Public Safety Services pursuant to LA R.S.36:401, et seq., is the appointing authority for the Office of State Police and has the power to make appointments to and removals from positions in the State Police Service.

Appointment: the designation, ~~by Chapter 8 of the State Police Commission Rules,~~ by an appointing authority of an employee to a certain office or position and his acceptance thereof.

Article or State Police Commission Article - Article X, Part IV of the Constitution of the State of Louisiana of 1974.

Base Supplement pay - means additional pay above the range maximum, when authorized by the Commission and approved by the Governor under limiting factors (e.g., by job titles, geographic areas, organizations, etc.) it deems appropriate when market and employment conditions require such supplement in order to maintain competent and experienced staff, which is treated as a part of base pay.

Cadet - is an applicant who has been accepted into the State Police Training academy, and who will undergo training in order to become a State Police Trooper.

Career Field - any one of a job series or group of positions considered having a close occupational relationship and categorized as such by the State Police Commission. A career field shall include a job series, or series of jobs created to provide a natural progression. The career field(s) used by an agency in a layoff shall be the career field(s) in the official career field listing ~~as updated through the latest Transmittal Sheet dated~~ before the layoff plan is received by the State Police Commission.

Cause - means conduct which impairs the efficient or orderly operation of the public service.

Certifiable Scores - a range of scores on a selection procedure which would likely be in the top five grade groups on a certificate of eligibles if one were issued.

Certificate of Eligibles - a list that represents the top five grade groups or rank groups from a promotional examination.

Change in Position - for the performance ~~appraisal rating~~ evaluation system, means either a voluntary demotion or the assignment of an employee to another position in the same or a different job with significantly different duties from those of the position he previously held, or the movement of an employee to another position ~~in another agency.~~ within the State Police Service.

Civil Service - The Louisiana State Police Commission was created by constitutional amendment to provide an independent *civil service system* for cadets and all regularly commissioned full-time law enforcement officers employed by the Department of Public Safety and Corrections, Office of State Police, or its successor, who are graduates of the State Police training academy of instruction and are vested with full state police powers, as provided by law.

Class - for these Rules, means the same as 'Job'.

Classification Plan - the hierarchical structure of jobs, arranged in pay grades according to job evaluation results.

Classified Position - any office or position in the Classified Service.

Classified Service - any person in the State Police Service, except those specifically placed in the unclassified service by these Rules by the Commission or exempt from the classified service by the Article.

Commission - the State Police Commission.

Commuting Area - the geographic area in which employees are subject to competition for a layoff, which shall encompass ~~only either~~ 1) the parish of the abolished position(s) ~~and all bordering parishes.~~ or 2) an expanded area which will be defined by the agency and will consist of the parish of the abolished position(s) plus one or more parishes bordering the parish of the abolished position(s) ~~and all bordering parishes.~~

Compensation - ~~salary, wages, fees, and special pay considerations authorized under Chapter 6 of these Rules earned by or paid to any employee, because of service rendered in any position.~~ any salary, wages, fees, special pay considerations, or any other cash payment directly to an employee as a result of service rendered in any position. It shall not include reimbursement for travel incurred in the performance of official duties nor the authorized assignments on utilization of automobiles, houses or other movable property of the state or other governmental entity.

Contempt of the Commission - contempt of the Commission or its Referee is an act or omission tending to obstruct or interfere with the orderly discharge of the responsibilities and duties of the Commission or its Referee, or to impair the dignity of the Commission or its Referee or respect for their authority.

Continuous State Service - uninterrupted status of a Classified employee of a State agency or agencies exclusive of interruption caused by authorized leave of absence, layoff of not more than one year, military service consisting of 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, or separation of not more than thirty (30) calendar days.

Demotion - a change of ~~a permanent or probationary~~ an employee's position from one grade level to a lower grade level.

Department - any legally constituted agency, board or commission whose employees are in the State Service as defined by the Article.

Department Preferred Reemployment List - a list of permanent employees ~~whom we~~ who have been laid off or otherwise affected ~~off~~ by a layoff (e.g., displaced and/or demoted in lieu of layoff, changed in duty station, reassigned). Employees on such a list are given preferential hiring rights in the department or agency

affected by a layoff.

Designated Holiday - a holiday or part of a holiday an employee observes, in lieu of a regular holiday observed by his agency, because the regular holiday or a portion thereof, fell on the employee's regular day off.

Detail to Special Duty - the temporary assignment of an employee to perform the duties and responsibilities of a position other than the one to which he is regularly assigned, without prejudice to his rights in and to his regular position.

Director - the Director of the State Police Commission.

Disciplinary Actions - include only the following: dismissals, suspensions without pay, reductions in pay, involuntary demotions and written reprimands.

Discrimination - consideration in the appointment, removal, discipline or any other action which adversely affects a probationary or permanent employee and is based on any non-merit factor relating to the employee's religious or political beliefs, gender or race.

Efficiency Rating - the service rating of an employee on the basis of satisfactory or unsatisfactory.

Eligibility List - a list of applicants who have successfully passed the entrance exam and are eligible for the State Police Academy. Those applicants who have been advised that they were not selected for the academy class for which they applied may submit a letter to State Police Commission requesting that their names be placed back on the eligibility list.

Eligible - any person who, after receiving a final passing rating in a State Police Commission examination. ~~is currently on an eligible list.~~

Employee Affected by a Layoff - one who has experienced any consequence of a layoff such as separation, displacement, demotion, reassignment, or change in duty station.

Evaluating Supervisor - shall be the employee's immediate supervisor or someone in the employee's supervisory chain of command unless unavailable, in which case, the appointing authority or his designee shall designate a person most familiar with the employee's performance.

Exceptional - a rating on a performance evaluation which re-

flects that work and behavior consistently exceeded the performance criteria.

Exempt - is a term referring to those groups of employees that are exempt from the overtime provisions of the Fair Labor Standards Act.

Final Offer of Employment - After passing the medical exam, drug test and psychological evaluation, candidates will receive a letter for a Final Offer of Employment from Louisiana State Police. They will be required to sign and return the letter before a specified deadline.

Furlough - a period of leave without pay required of employees by an appointing authority in order to avoid a layoff.

General Increase - an across the board wage and salary increase designed to bring pay in line with increases in cost of living.

Hiring Rate - the beginning rate at which persons are hired into a job.

Individual Pay Rate - the rate of pay assigned to a given individual. Individual pay rates may vary on the same job as a function of service in grade, performance or some other basis for establishing variation in employee's merit.

Initial Military Active Duty for Training - training of not less than three months, which is an obligation for members of the Reserve and National Guard who have not previously served on active duty.

Job or Job Title - is a homogeneous cluster of work tasks. Taken as a whole, the collection of tasks, duties and responsibilities constitutes the assignment for one or more individuals whose work is the same nature which is performed at the same skill/responsibility level. This definition means the same as "Class".

Job Analysis - a comprehensive, systematic breakdown that identifies the relevant components in a particular job through a detailed description of work behaviors and tasks performed.

Job Appointment - a temporary appointment of an employee for work of a temporary nature or to substitute for another employee. ~~An employee serving in a third successive job appointment shall be considered to have acquired permanent status.~~

~~Job Evaluation - a formal process which determines the relative value to be placed on various jobs within the organization. Deleted, effective September 10, 2015~~

Job Specification - a summary of the most important features of a job including the general nature of the work performed, specific task responsibilities, and employee characteristics (including skills) required to perform the job. A job specification

focuses on the job itself and not any specific individual who might fill the job.

Layoff - ~~the removal of an employee from a position because of a lack of work or funds or for other non-disciplinary reasons not provided for in Rules 12.6 or 12.10~~ the nondisciplinary separation of an employee from a position because of lack of work or a lack of funds or the abolition of a position.

Layoff Avoidance Measures - action taken by an appointing authority and approved by the Director and/or the commission to help prevent a layoff. These include **early retirement incentives**, withholding of merit increases, reductions in pay, reductions in work hours and furloughs.

Leave Without Pay - leave or time off from work, other than a disciplinary suspension as provided for in Chapter 12, which is granted or ordered by the appointing authority and during which the employee receives no pay.

Merit Increase - an adjustment to an individual pay rate based on performance, or some other individual equity basis.

Military Active Duty - full-time duty in the active military service, other than active duty for training.

Military Active Duty for Training - full-time paid duty in the active military service for training purposes. This may be indicated on military orders as "ADT" (Active Duty for Training), "FFTD" (Full-time Training Duty), "AT" (Annual Training), or IADT (Initial Active Duty for Training).

Military Training Duty - includes active and inactive duty for training such as annual two-week summer encampments and cruises, weekly and weekend drills or training meetings, attendance at service schools for refresher training or the upgrading of military skills, field exercises, and the like.

Needs Improvement / Unsuccessful - a rating on a performance evaluation which reflects that work and/or behavior did not meet the performance criteria.

Notification of Layoff Avoidance Measures or Layoff - the appointing authority shall, as soon as it is determined that a layoff or a layoff avoidance measure is necessary, make a reasonable attempt to notify all employees in the area(s) to be affected.

Official Domicile - is the following:

(a) The official domicile of an officer or employee assigned to an office, exclusive of temporary assignments, shall be the city in which the office is located.

(b) The official domicile of a person in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the employee.

Official Holiday - either the employee's actual or designated holiday, whichever is selected by the appointing authority for overtime compensation purposes.

Organization Unit - any administrative agency or part thereof designated by rule or regulation hereunder as a unit for purposes of administering these Rules.

Original Appointment - initial appointment of a person to a classified position by provisional, probationary or job appointment.

Pay Grade - a pay level at which jobs are assigned by job evaluation and/or market adjustment.

Pay Plan - a schedule of pay rates or ranges and a list showing the assignment of each job in the job evaluation plan to one of the rates or ranges and includes rules of administration.

Pay Range - the range of pay rates from the lowest salary rate to the highest salary rate set for a pay grade.

Pay Structure - the organization of pay grades and ranges or salary rates established for jobs within the classified service.

Pay Structure Adjustment - a change in the salary rates for all pay grades to maintain a general competitive level with the market for recruitment. ~~Individual pay rates will increase accordingly means a change in the range minimums and maximums for all grades. The purpose is to maintaining a general competitive level with the market for recruitment purposes and is generally accomplished without increases to individual pay rates.~~

Performance Adjustments - means an adjustment to individual pay rate based upon performance, or some other individual equity basis.

Performance Evaluation System - a tool used to measure individual performance on all classified employees.

Performance Evaluation year - shall be July 1st through June 30th of each year.

Performance Appraisal Rating - the overall rating of an employee, made in accordance with the performance appraisal system established by these Rules.

~~Performance Standard - a statement or description of observable conditions that define the levels of performance for each major task or duty area.~~

Personnel Action - a transaction affecting a change to the status of a person's employment.

Political Activity - an effort or activity to support or oppose the election of a candidate for political office or, to support or oppose a particular political party in an election, other than party registration. ~~effort or activity to support or oppose a particular party in an election or otherwise.~~

Position - any office and any employment in the classified Service. Position for job evaluation and pay purposes means a collection of duties and responsibilities assigned to an individual employee. Multiple positions may constitute a job.

Preference Employee - an employee who is an ex-member of the armed forces and his or her dependents as defined in Rule 7.11.

Probationary Appointment - appointment of a person to serve a working test period in a position.

Progress Review - a scheduled meeting between an employee and his supervisor in which they discuss the employee's accomplishments and possible problems in performance (e.g., performance standards), and in which performance criteria is reviewed and revised if necessary.

Promotion - A change of a permanent employee in the Classified Service from a position of one job to a position of another job assigned to a higher pay grade.

Promotional List - a list, established in conformity with these Rules, of permanent employees who have demonstrated their fitness for a position of a higher grade by successfully passing an examination for such higher job position and are eligible for promotion within the same department or transfer and promotion from another department.

Provisional Appointment - a temporary appointment of a nonpermanent employee to a position without an adequate eligible list, until the appointed employee demonstrates the required skill level to qualify for the job.

Public Hearing - a hearing held after public notice of at least 24 hours, at which any person may have a reasonable opportunity to be heard, in accordance with such rules and regulations as may be adopted by the Commission.

~~**Public Employment** - employment in any capacity or status, whether appointed or elected, classified or unclassified, by any branch, agency or program of the United States government or any branch, agency or program of any State government or any political subdivision thereof.~~

Reallocation - a change in the allocation of a position from one job to another in which the duties of the position have undergone a change.

Reassignment - the change within the same department of a probationary or permanent employee from a position in one job to another position in a different job, both jobs of which have the same pay range.

Red Circle Rate - an individual pay rate that does not match an established salary rate of the assigned pay grade for the position occupied.

Reemployment - the noncompetitive appointment of a person based on permanent status attained in former employment in the Classified Service.

- 1) **Department Preferred Reemployment List:** An employee who is reemployed in a permanent position following certification from a department preferred reemployment list shall have permanent status in his position.
- 2) **Open Preferred Reemployment List:** An employee, who is reemployed, other than on a temporary basis, from an open preferred reemployment list shall serve a probationary period as provided in Chapter 9.

Referee - the Commission may appoint its legal counsel as a Referee to hear appeals in lieu of the Commission and recommend a decision to the Commission.

Regular or Permanent Appointment - the status attained by a classified employee upon the successful completion of his probationary period.

Reinstatement - the restoration to duty and pay status, under the conditions set forth by the restoring authority, of a former classified employee pursuant to an order by the Commission or a court.

Removal or Dismissal - the termination of employment of an employee for cause.

Reserve Component - consists of members of the National Guard and Reserves of all Branches, officers and enlisted personnel, who perform active duty, active duty for training or inactive training duty.

Resignation - the voluntary termination, including retirement, by an employee of his employment in the Classified Service.

Retitle - occurs when the revision in the job specifications results in a change in the job title.

Salary Rate - a preestablished and designated rate of pay within the pay range for each job.

Second Level Supervisor - an immediate supervisor's supervisor.

Service Rating - the individual rating of an employee, made in accordance with the service rating system established by these rules.

Shift Differentials - extra pay allowances made to employees who work nonstandard hours.

Sick Leave - leave with pay requested by and granted to an employee who is suffering from an illness, disability or other physical condition which prevents him from performing his usual duties and responsibilities or who requires medical, dental, optical or psychological consultation or treatment.

State Police Service - is divided into the unclassified and the classified service.

State Police Academy- a program in which the cadet is trained and educated to become self-disciplined, vocationally competent, mentally mature, physically sound, emotionally stable, and a leader in the community.

State Service - for layoff and layoff avoidance measures, means the total length of Classified State Police Service in the equivalent full-time years, months, and days as an employee of Louisiana State Police.

~~(a) Periods of time not counted as Classified State Service under this definition for the purposes of layoff and layoff avoidance shall be:-~~

~~1. All leave without pay not expressly authorized in Subsection (b) 9 of this Rule.~~

~~2. State service earned before retirement in any state retirement system by an employee rehired into state service after such retirement.~~

~~3. Unclassified State Service acquired after January 1, 1983, subject to the provisions of Subsection (b) of this Rule.~~

~~4. Classified State Service obtained after January 1, 1983, on a restricted or provisional appointment if such an appointment was not converted to a probation or job appointment.~~

~~5. Classified or Unclassified State Service on a part-time intermittent (i.e., when actually employed - WAE) appointment, if such service was acquired after January 1, 1983.~~

~~(b) Periods of time counted as Classified State Service under this definition for layoff or layoff avoidance measures are the following, which are all subject to Rule 1.39.2(a) 2:-~~

~~1. All time spent on any type of Classified and/or Unclassified appointment before January 1, 1983.~~

~~2. Classified State Service obtained after January 1, 1983, on probation, job and permanent appointments and on restricted or provisional appointments converted to probation or job appointments, subject to the provisions of Subsection (a) 5 of this Rule.~~

~~3. Absence from State Service of not more than one year as the result of a layoff of an employee with permanent status.~~

~~4. Any military service that interrupts Classified employment, including military service consisting of 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, subject to the provisions of Rule 17.21(a).~~

~~5. Separations of not more than thirty days from the Classified State Service, except that no breaks between emergency and/or restricted and/or multiple restricted appointments count.~~

~~6. Unclassified State Service acquired by an unclassified employee relative to his being brought into the Classified Service under Rule 8.27.~~

~~7. Periods of time that the layoff avoidance measures stipulated in Rule 17.5(c), 17.12 and 17.13 are in effect for full-time employees shall count as full-time employment.~~

~~8. All authorized leave with pay.~~

~~9. Authorized leave without pay under the following conditions:—~~

~~a. Any leave without pay taken before January 1, 1983.~~

~~b. Any period(s) of leave without pay which does not exceed 30 calendar days, if taken after January 1, 1983. Additionally, if any period of leave without pay taken after January 1, 1983 equals or exceeds a 30-calendar day period, i.e., a reportable action to the State Police Commission, 30 days on one reportable period shall be counted in any calendar year, i.e., January 1, 1983 through December 31, 1983.~~

~~c. To hold an unclassified office, job or position with the State.~~

~~d. Leave without pay for military purposes as provided in Rule 11.26.~~

~~e. If authorized for educational purposes and approved by the Director. Such education must be required by the agency, pertinent to the job or needs of the agency, and full-time as defined by the educational institution attended, except that a final semester's work toward a degree need not be full-time.~~

~~(e) All periods of Classified State Service not expressly excluded or included in these Rules shall be submitted to the Director for a ruling.~~

~~Deleted, effective date September 10, 2015~~

Successful - a rating on a performance evaluation which reflects that work and behavior met the performance criteria.

Suspension - the enforced leave without pay of an employee for disciplinary purposes.

Title Change - a change in the title of the class to which a position is allocated without change in the position is allocated without change in the position's duty and responsibility content.

Transfer - the change of an employee from a position in one department to a position in another department without change in probation or permanent status and without a break in service of one or more working days.

Unacceptable Rating - a performance appraisal rating of either "Needs Improvement" or "Unsatisfactory".

Uniform Pay Plan - a pay plan in which the pay structure and administrative rules are uniformly applicable to all agencies for positions of the Classified Service.

Withholding of Merit Increases to Avoid Layoff - when an appointing authority determines that it is necessary to withhold merit increases ~~after June 30, 1989~~, of all employees under his jurisdiction in order to avoid a layoff, he may do so, subject to the provisions as described in Chapter 17.

Work Period - ~~14-consecutive-calendar-days-instead-of-the-work-week-for-computing-overtime-pay.~~ for each full-time employee in the classified service, shall be eighty (80) hours in a two week period.

The hearing will be held in the Louisiana State Police Commission Suite 208, Office of Management and Finance and OMV Building, 7979 Independence Boulevard, Baton Rouge, Louisiana.

Individuals who wish to comment on this proposal may do so at the public hearing, by writing to the Director of State Police Commission at Post Office Box 66555, Baton Rouge, Louisiana, 708996-6555, or by emailing at cathy.derbonne@la.gov If any accommodations are needed, please notify the Department at (225) 925-4996 prior to the meeting.

Sincerely,

s/Cathy Derbonne
Executive Director