



State Police Commission

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John Bel Edwards
Governor

Jason Hannaman
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General Circular No. 211

Date: August 25, 2020

Subject: Public Hearing to Amend Chapters 1, 2, and 11 of State Police Commission Rules

Pursuant to the provisions of State Police Commission Rule 2.10(a), the State Police Commission will hold a public hearing on September 10, 2020, to consider revisions to Chapters 1, 2, and 11 of the State Police Commission Rules. The hearing will begin at 10:00 A.M. in Veterans Memorial Auditorium, Suite 1247, Dept. of Agriculture and Forestry Building, 5825 Florida Blvd., Baton Rouge, Louisiana, 70806.

Summary of Proposal

Please refer to the charts that follow for comparison between the current and proposed rule language. Proposed additions appear in **blue** and omissions appear in **red**.

The amendment of Chapter 1, with the addition of a definition, would provide clarification as to what constitutes an "Immediate Family Member" when using sick leave.

Current Rule	Proposed Rule Change
CHAPTER 1	
	<p>Immediate Family Member - for the purposes of sick leave is an employee's spouse, child or stepchild, foster-child, parent or stepparent, or as otherwise defined in the Family and Medical Leave Act.</p>

Amendments to Chapter 2, specifically Rule 2.6, would permit virtual meetings of the State Police Commission during declared emergencies. This amendment mitigates the need for Emergency Rule 21.8.

Current Rule	Proposed Rule Change
CHAPTER 2	
<p>2.6 Quorum and Voting</p> <p>a) Four (4) members of the Commission shall constitute a quorum for the transaction of business.</p> <p>b) The concurrence of a majority of the members present shall constitute a ruling upon an item of business then before the Commission.</p> <p>c) In the event of a tie vote the Commission may, in its discretion;</p> <ol style="list-style-type: none"> 1. Refer a transcript of the record of the matter under consideration to one or more absent members, who shall then vote; or 2. Continue the matter for consideration at a later meeting. <p>d) Temporary absence during the consideration of an item of business shall not disqualify a member from voting on said item.</p>	<p>2.6 Quorum and Voting</p> <p>a) Four (4) members of the Commission shall constitute a quorum for the transaction of business.</p> <p>b) During a declaration of emergency in the State of Louisiana, Commission members who are unable to attend a meeting of the State Police Commission in person due to conditions closely and directly related to the emergency may be present and participate in the meeting virtually. Except for executive session, deliberations involving Commission members participating virtually must be conducted in such a manner that all members and the public can hear and provide public comment.</p> <p>c) The concurrence of a majority of the members present shall constitute a ruling upon an item of business then before the Commission.</p> <p>d) In the event of a tie vote the Commission may, in its discretion;</p> <ol style="list-style-type: none"> 1. Refer a transcript of the record of the matter under consideration to one or more

Current Rule	Proposed Rule Change
	<p>absent members, who shall then vote; or</p> <p>2. Continue the matter for consideration at a later meeting.</p> <p>e) Temporary absence or temporary disruption of electronic communications during the consideration of an item of business shall not disqualify a member from voting on said item.</p>

Amendments to Chapter 11 would permit expanded use of sick leave and would establish Special Leave Related to the COVID-19 Pandemic under new SPC Rule 11.35.

Current Rule	Proposed Rule Change
CHAPTER 11	
<p>11.13 Use of Sick Leave.</p> <p>a) Sick leave may be utilized by an employee who has sufficient leave to his credit for necessary absence from duty because of:</p> <ol style="list-style-type: none"> 1. Illness or injury which prevents him from performing his usual duties. 2. Medical, dental, or optical consultation or treatment. 3. (Intentionally left blank) <p>b) Sick leave shall not be charged for non-work days.</p> <p>c) The minimum charge for sick leave shall be one-half hour.</p>	<p>a) Sick leave may be utilized by an employee who has sufficient leave to histheir credit for necessary absence from duty because of:</p> <ol style="list-style-type: none"> 1. Illness or injury which prevents him from performing his the performance of usual duties. 2. Medical, dental, or optical consultation or treatment. 3. (Intentionally left blank) 4. Assertion, supported by medical certification, of the employee's own need to be isolated from the

Current Rule	Proposed Rule Change
<p>d) (Intentionally left blank)</p>	<p>workplace to avoid a health risk exposure during a health pandemic declared by the Governor because of a diagnosed high-risk immunological disorder.</p> <p>5. The need to care for a son or daughter as defined by the Emergency Family and Medical Leave Expansion Act through December 31, 2020, because there is no other suitable person available to care for the child and the child's school or place of care has been closed or the childcare provider is unavailable due to a COVID-19 related reason.</p> <p>b) Sick leave shall not be charged for non-work days. In lieu of requesting annual leave, an employee who has sufficient leave to their credit may request sick leave for necessary absence from duty for the following reasons:</p> <ol style="list-style-type: none"> 1. Illness, or injury of an immediate family member which necessitates the absence. 2. Medical, dental, or optical consultation or treatment for immediate family members when it is not possible to arrange such appointments for non-duty hours. 3. Leave under this subsection may only be used when approved by the appointing

Current Rule	Proposed Rule Change
	<p style="text-align: center;">authority or a designated representative.</p> <p>c) The minimum charge for sick leave shall be one-half hour. Sick leave shall not be charged for non-work days.</p> <p>d) (Intentionally left blank)</p> <p>e) The minimum charge for sick leave shall be one-half hour.</p> <p>f) The appointing authority may require appropriate documentation to establish the need for leave as set forth above.</p>
<p>11.13.1 Enforced Sick Leave.</p> <p>An appointing authority has discretion to place an employee on sick leave after the employee asserts the need to be absent from work or when it is apparent that the employee is unfit for duty due to an illness, injury, or disability.</p>	<p>11.13.1 Enforced Sick Leave.</p> <p>An The appointing authority has discretion to place an employee on sick leave after the employee asserts the need to be absent from work or when it is apparent that the employee is unfit for duty due to an illness, injury, or disability.</p> <p>The appointing authority may also utilize sick leave when there is an apparent need to remove the employee from the workplace to avoid the spread of illness. The employee may be returned to duty at the appointing authority's discretion; however, under this provision the employee shall be returned to duty upon presentation of a certification from a medical doctor or nurse practitioner who, after examining the employee, certifies that the employee is able to perform the essential functions of their position without posing a risk of harm to their self or others.</p>

Current Rule	Proposed Rule Change
<p>*NEW RULE*</p>	<p>11.35 Special Leave Related to COVID-19 Health Pandemic</p> <p>a) Effective September 14, 2020, the use of special leave under State Police Commission Rule 11.23(d) shall not be granted by the appointing authority for any employee absence related to the COVID-19 health pandemic. The Executive Director is granted the authority to reinstate special paid leave under State Police Commission Rule 11.23(d) for absences related to COVID-19 in the event the need arises due to a resurgence in the pandemic and an accompanying declaration by the Governor.</p> <p>b) The appointing authority may grant time off without loss of pay, annual leave or sick leave to any healthcare provider or emergency responder who was exempted from the Families First Coronavirus Response Act by the Governor's Proclamation Order No. 43 JBE 2020 Section 4 and who has tested positive for COVID-19 or who has been advised by a healthcare provider to self-quarantine related to COVID-19, or experiencing COVID-19 symptoms and is seeking medical diagnosis.</p> <p>Such special paid leave shall not extend beyond 15 working days and will be in addition to any other leave benefits afforded by law.</p> <p>c) The appointing authority may grant time off without loss of pay, annual leave or sick leave to an asymptomatic employee who is directed by the appointing authority to be tested for COVID-19 and/or self-quarantine after being exposed through close contact to an individual with a</p>

Current Rule	Proposed Rule Change
	<p>confirmed positive COVID-19 diagnosis.</p> <p>Such special paid leave shall not extend beyond 14 calendar days as recommended by the Centers for Disease Control and Prevention. Once the employee develops symptoms of illness or is confirmed with a positive COVID-19 diagnosis, he shall immediately be placed in an appropriate leave status, including leave without pay if the employee has exhausted both annual leave and sick leave.</p> <p>d) The appointing authority may submit a request to the Executive Director for reinstatement of annual or sick leave charged to an employee between the date of issuance of the Governor's Proclamation Order No. 43 JBE 2020 through September 13, 2020. The request for reinstatement must be for hours that would have qualified under sections (b) and/or (c) of this rule. Any hours reinstated will be tracked by the department and count toward the total number of eligible hours possible under sections (b) and/or (c).</p>

Questions pertaining to information in this General Circular should be addressed to my attention at Jason.Hannaman@La.gov or via telephone at (225) 925-7057.

s/Jason Hannaman, PHR, SHRM-CP
Executive Director