

State Police Commission



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Jane Orr, Director

July 3, 1991

GENERAL CIRCULAR NO. 1

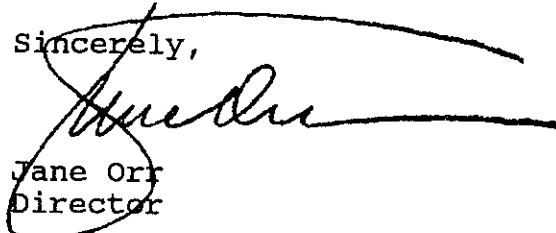
TO: COLONEL MARLIN A. FLORES AND RUSSELL J. CULOTTA

SUBJECT: PROPOSED RULE CHANGES - CHAPTERS 7, 8 and 9

The State Police Commission will hold a public hearing on Monday, August 12, 1991, to consider adopting Chapters 7, 8 and 9 of the State Police Commission Rules. Attached hereto are copies of the proposed Rules. The public hearing will begin at 9:00 a.m. in Classroom 9, Field House, State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, Louisiana.

If you have comments to make concerning the attached Chapters, please forward them to us no later than close of business Friday, July 19, 1991.

Sincerely,



Jane Orr
Director

Attachments

SPC:JO:grr

CHAPTER 7

EXAMINATION AND ELIGIBLE LISTS

7.1 Examinations.

- (a) The Director shall conduct competitive examinations at such times and places as deemed necessary or desirable to the needs of the State Police Service.
- (b) Unless specifically provided otherwise in examination announcements, applications for admission to examinations will be accepted when announced only.

7.2 Public Notice of Open Competitive Examinations.

- (a) The Director shall give reasonable public notice of each open competitive examination in advance of the deadline date for filing applications.
- (b) When an examination for State Police Cadet has been announced, the Director shall conduct active recruitment for candidates through all appropriate and reasonable channels. All persons recruited shall be given a reasonable time, established by the Director, to test for the position.
- (c) Notices of open competitive examinations shall be posted on a bulletin board maintained at or near the principal office of the State Police Commission and at all Troop Headquarters, Regions, and at State Police Headquarters. The Director may also advertise tests in such publications and locations as are deemed appropriate and use any other means considered necessary or desirable to bring the notice of the examinations to the attention of the general public and to those qualified for admission.
- (d) Each official notice shall state the place and manner of making application, and any other information which the Director considers pertinent and appropriate.

7.3 Admission to Examinations

- (a) The Director shall, subject to the Rules and the class specifications, determine the qualifications for admission to any examinations.
- (b) A person whose employment is prohibited by any law or Rule shall not be admitted to any examination.
- (c) Whenever age limits are specified in the qualification requirements, such age limits shall not apply to any applicant who has had at least one year of experience in the class of position for which application is made for examination.
- (d) Applicants who take an examination shall not take the same examination again until a period of at least thirty (30) days has elapsed from the date of the last examination, and no applicant shall be admitted to the same examination more than three times in any twelve-month period. The applicant's official grade shall be the one obtained on his most recent examination.

7.4 Rejection of Application.

- (a) The Director shall reject the application of any person for admission to examination or refuse to examine any applicant
 1. Whose employment in the State Police Service would be prohibited by law; or
 2. Whose conduct has been infamous or disgraceful; or who
 3. Is found to lack any of the qualifications prescribed as requirements for admission to the tests for the class for which he has applied; or
 4. Is physically unfit to perform effectively the duties of a position of the class; or
 5. Is addicted to the habitual use of drugs or intoxicating liquors to excess; or
 6. Has been adjudged guilty by a court of competent jurisdiction of a crime involving moral turpitude; or
 7. Has been dismissed from the public service for delinquency or misconduct or has been permitted to resign in lieu thereof; or

8. Has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his application, or examination, or otherwise in securing or attempting to secure eligibility for appointment for anyone.
 9. Whose application was filed after the closing date fixed for receipt of application.
- (b) A person whose application has been rejected under this Rule shall receive prompt written notification from the Director. Specific reason(s) for such action will be included in the notification.

7.5 Postponement and Cancellation of Tests.

In the event that an insufficient number of qualified candidates apply for a test, the Director may extend the last filing date and postpone the date of test, or cancel the administering of the test and shall, in each such case, give suitable notice thereof.

7.6 Content of Tests.

- (a) Tests for promotional positions shall be practical and job-related in their nature and shall test those areas which will fairly measure the relative capacity and fitness of the candidates to discharge the duties of the positions to which they seek promotion. Promotional examinations may consist of a rating of training, education, and experience, a performance test, an oral examination, an assessment center, or any combination thereof.
- (b) Examinations for entrance into the State Police Service shall be practical in nature, and be constructed to reveal the capacity of the applicants for the particular class of State Police Cadet. Examinations may consist of a rating of training, education and experience, a written objective test, a performance test, an oral examination, a questionnaire, a psychological evaluation, or any combination thereof, with due reference also to ability to develop in such ways as to merit advancement to positions of higher classes.
- (c) Attendance and successful completion of the State Police Academy shall be considered a part of the examination process, and the components, and conduct of the Academy shall be designed and conducted by the Office of State Police with the approval of the Director. Such Academy shall:

- (1) Consist of components that are bona fide requirements for successful performance as a State Police Trooper.
 - (2) Have established, reasonable pass points set for each component prior to the beginning of the Academy, and no alteration of these established pass points shall be permitted during the actual period of the Academy.
 - (3) Provide for periodic testing of a Cadet's performance on the various components, and shall provide special study and/or counseling for Cadets whose performance on these tests indicates a need for such.
 - (4) Be designed so as to permit no discrimination as to race, gender, religion, nationality, or any other non-merit factors.
- (d) No Cadet may be dismissed from the Academy without cause. Any proposed dismissal shall receive approval from the Director prior to such action.

7.7 Promotional Examinations.

- (a) The Director may conduct a competitive promotional examination for any vacant or prospectively vacant position, provided
 1. The Director shall issue an appropriate announcement in advance of such examination and it shall be the duty of the Superintendent to make every effort to see that employees are informed of the announcement;
 - 2(a) Admission to such examination shall be restricted to eligible employees within State Police. Admission to such examination shall be restricted to permanent employees who meet the qualifications stated in the class specifications for the position for which the promotional examination is announced. An employee having a current service rating of "Unsatisfactory" shall not be admitted to any competitive examination.
 - (b) Whenever minimum qualification requirements are changed and incumbents of positions in affected classes do not meet the new requirements, such incumbents will be allowed to remain in the class of position occupied, unless a specific license or certification is required, and to continue gaining qualifying experience for the higher levels that are in the normal career progression for that class.

3. The eligible list established from such examination shall contain the names of all candidates who pass the examination, ranked according to their final ratings.

(a) The Director may indicate the principal or normal line of promotion from and to each class of position.

(b) If there are sufficient qualified available employees in the State Police Service whose name appear on a list of eligibles prepared from an open competitive examination, the Director may, in discretion, utilize the names of such employees from such list in lieu of conducting a competitive promotional examination.

7.8 Preferential Eligibility Credits.

(a) Subject to the provision of Subsection (d) and (e) of this Rule, five-point preference in original appointments shall be granted to persons honorably discharged, or discharged under honorable conditions, from the Armed Forces of the United States who served:

1. In the wartime period July 1, 1958 through May 7, 1975; except the period July 1, 1958 through August 4, 1964 shall apply only to those who served within the area known as the vietnam Theater; or
2. In a peacetime campaign or expedition for which campaign badges are authorized.

(b) Subject to the provisions of Sub-sections (d) and (e) of this Rule, ten-point preference in original appointment shall be granted to:

1. Each honorably discharged veteran who served either in peace or in war and who has one or more disabilities recognized as service-connected by the Veterans Administration;
2. The spouse of each veteran whose physical condition precludes his or her appointment to a position as a State Police Cadet;
3. The unremarried widow of each deceased veteran who served in a war period as defined in Sub-section (a) of this Rule, or in a peace-time campaign or expedition;

4. The unremarried widowed parent of any person who died in active wartime or peacetime service or who suffered total and permanent disability in active wartime or peacetime service;
 5. The divorced or separated parents of any person who died in wartime or peacetime service or who became totally and permanently disabled in wartime or peacetime service.
- (c) The ten-point preferences provided for in this Rule shall be utilized in the following manner:
1. Only one ten-point preference shall be allowed in the original appointment to any person enumerated in Sub-section (b) of this Rule.
 2. If the ten-point preference is not used by the veteran, either because of the veteran's physical or mental incapacity which precludes appointment as a Cadet or because of his/her death, the preference as defined in Sub-section (b) of this Rule, shall be available to the spouse, unremarried widow or widower or eligible parents as defined in Sub-section (b) of this Rule, in the order specified.
- (d) Preference may be given only to persons who have received at least the minimum score required on the test and who have received at least the minimum rating required for eligibility.
- (e) Except for Subsection (b) (1) of this Rule, service that is for the purpose of training only shall not be considered as qualifying service.

7.9 Proof of Eligibility for Military Preference.

Proof of eligibility for military preference shall be furnished the Director by the person claiming the preference on the form prescribed by the Director for this purpose, together with such evidence as may be called for on the form.

7.10 Results of Tests.

The rating of each test shall be completed as soon as possible after the test is given, and the Director shall prepare an eligible list for the class from the results with the names of those persons who have met the eligibility placed in grade order from the highest to the lowest. Persons competing in any test shall be given written notice of their final earned rating, or their failure to attain a place on the list.

7.11 *Regrading of Tests.*

Upon proper application to the Director, a competitor in an examination shall be entitled to have the test paper and rating reviewed, unless such is prohibited by agreement between the Director and a professional testing service. Any rating errors disclosed shall be corrected but such changes shall not per se invalidate any certification or appointment made from an eligible list.

7.12 *Establishment of Eligible Lists.*

- (a) The Director shall, subject to the Rules, establish eligible lists from the results of Merit System examinations. Such lists shall contain the names of all candidates who pass the related examinations.
- (b) Eligibles shall be ranked on such lists in the relative order of the rating attained, including preference points, if any.

7.13 *Noncompetitive Classes.*

When testing for a class is impractical because of situations that require considerable education in a formal body of knowledge and professional testing prior to legal licensing and practice of a profession, the Director may, with approval of the Commission, dispense with competitive examining procedures for those classes.

7.14 *Consolidation of Lists.*

When an eligible list is established for a class of position for which an eligible list is already in existence, the existing list may be canceled or merged with the new list, at the discretion of the Director. If the name of any individual appears on both the old and the new list, and the lists are merged, the candidate's standing on the new list shall be determined by the score on the more recent examination.

7.15 *Amendment of Lists.*

Any eligible list may be amended by the addition of names of other successful applicants who are admitted to subsequent examinations, and their scores shall be merged in rank order with the scores of those on the original list.

7.16 Removal of Name from Eligible List.

The Director may remove from any list the name of any person who is not qualified, is not available or is not suitable for appointment to the position for which the list was established.

7.17 Restoration to Eligible Lists After Removal.

The Director may restore the name of a person removed from an eligible list upon receipt of written application for restoration and a showing that the causes for removal from the eligible list no longer exist or that an error was made in making the removal from the list.

7.18 Duration of Eligible Lists.

- (a) Each eligible list shall remain in effect until canceled.
- (b) The Director may cancel an eligible list, except a department preferred reemployment list, at such time that the list becomes unsatisfactory or undesirable because of the high percentage of unavailable eligibles on the list, changes in qualification standards, development of new examining procedures, or for such other reasons as may be in the interest of good personnel administration.

CHAPTER 8

CERTIFICATION AND APPOINTMENT

8.1 Methods of Filling Vacancies

Vacancies in the State Police Service may be filled by original appointment or by promotion, reassignment, demotion, transfer, reinstatement following an appeal, restoration to duty following military service, or noncompetitive reemployment.

8.2 When proposing to fill a vacancy by original appointment, the appointing authority shall request the Director to certify the names of persons eligible for appointment, furnishing such information about the vacancy as may be necessary for the Director to make a determination as to those persons eligible for appointment.

8.3 Anticipation of Need.

Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the Director to recruit if necessary, and to establish a list of eligibles.

8.4 Certification of Eligibles.

(a) The Director, in issuing certificates, shall certify to the appointing authority the names of the highest ranking eligibles from the appropriate list for the class of the vacant position.

(b) The Director may establish a range of certifiable scores for any certificate issued, and may permit competitive employment of applicants who have attained scores within that range.

8.5 Selective Certification.

(a) When requested and adequately justified by the appointing authority, the director may selectively certify from an eligible list the names of eligibles who possess particular qualifications.

- (b) In specific instances, and pursuant to and in conformity with an order of a court, commission, or agency of competent jurisdiction, the Director may make selective certification.

8.6 Determination of Availability for Appointment.

- (a) The appointing authority or his agent shall determine the availability of the eligibles certified for appointment and shall submit to the Director written evidence of unavailability or failure to reply unless a selection is made from one of the eligibles within the five highest final grade groups.
- (b) If a certified eligible indicates unavailability for appointment, or fails to reply to an availability inquiry within ten (10) calendar days after mailing of notification, the appointing authority may consider that individual as having been removed from the certificate.

8.7 Appointment of Eligibles from Certificates.

- (a) Except as provided in subsection (b) hereof, appointment from certificates must be made from one of the eligibles within the five highest final grades, except in making appointments from a department preferred reemployment list, in which case the highest ranking eligible shall be appointed. All candidates having the same final grade will be considered as "a grade group" and represents one under the authority to appoint from among the five highest final grades. When processing a certificate of eligibles, if five or more candidates whose names are among the five highest final grade groups express availability for a vacancy, appointment will be restricted to such candidates. If one or more of the five top grade groups is eliminated due to unavailability, the appointing authority may proceed to the next final grade group or groups until there are at least five grade groups from which to choose. Certificates showing action taken thereon must be returned within thirty (30) working days after receipt unless the time is extended by the Director. In each case of acceptance of appointment, such appointment shall become effective on the day which the appointee begins upon duty.

- (b) If a certificate contains the name of an eligible who has previously been subjected to removal or dismissal by the appointing authority or who has resigned to escape possible disciplinary action, he/she may be removed from consideration, and if there are fewer than five (5) final grade groups remaining, the appointing authority may proceed to the next group or groups until there are at least five (5) final grade groups

8.8 Probationary Appointment.

When a vacancy in a position is filled by an original appointment of an eligible, such appointment shall be for a probationary period of twelve (12) months.

8.9 Cancellation of Eligibility for Appointment.

- (a) The Director shall cancel the employment eligibility of any applicants, or of any probational employees following certification or employment if:
 - 1. Their employment in the State Police service would be prohibited by law; or
 - 2. They are prohibited from employment for any of the reasons listed in Rule 7.4(a).
- (b) An applicant whose employment eligibility has been canceled under this Rule shall be notified promptly by the Director.
- (c) The Director shall notify the employee and the appointing authority immediately when an employee's eligibility has been canceled in accordance with this Rule, and the appointing authority shall terminate the employee from State Police within five (5) days of receipt of such notice.

8.10 (a) Reassignment.

An appointing authority may, with the approval of the Director, reassign within the same department any probationary or permanent employee from one position in a class to another position in a different class for which the employee is qualified and which has the same minimum entrance rate of pay.

(b) Change in Hours of Work.

An appointing authority may in the best interest of the State Police program change the hours of work of any employee if no change in the employee's class of position is affected.

(c) Change in Duty Station.

An appointing authority may change the duty station of a permanent or probationary employee from one geographical area to another and any such change shall be reported to the Director. Such change may not be taken in lieu of disciplinary action.

(d) Detail to Special Duty.

1. When, in the discretion of the appointing authority, the services of an employee are temporarily needed in a position within the department other than the position to which he/she is regularly assigned, the employee may be detailed to perform the duties of such position for a period not to exceed thirty (30) days without change in title, status or pay. If the detail exceeds thirty (30) days, the employee shall be officially detailed into the position, with the approval of the Director, and shall be retroactively paid according to Rule 6._____.
2. When a position becomes temporarily vacant for a period to exceed one month, the appointing authority shall receive approval from the Director in order to detail a permanent employee into the position.
3. An employee detailed into a position must meet the minimum qualifications for the detailed job.
4. No permanent vacant position may be filled by a detail.
5. No one employee may be detailed into a position for more than four (4) months. If the job is still temporarily vacant, another employee shall be detailed into the position, such detail not to exceed four (4) months.
6. If the appointing authority can show good job related cause to the Director, the Director may approve a detail in excess of four (4) months, but not to exceed a total of six (6) months for the detail for any one employee.

8.11 Noncompetitive Reemployment Based on Prior State Service.

- (a) Subject to the provision of Subsection (b) hereof and with the approval of the Director, a former permanent employee who has been separated from the classified service may, within two (2) years from separation, be noncompetitively reemployed in any job for which the former employee is qualified and which has the same or lower entrance salary as the current minimum for the job in which he/she had permanent status.
- (b) No former employee whose last separation from the classified service was by removal due to delinquency, misconduct, or unsatisfactory performance, or by resignation to escape possible disciplinary action shall be eligible for noncompetitive reemployment under provisions of this Rule; nor shall any person acquire eligibility for noncompetitive reemployment through service in a position from which he/she was separated or demoted for delinquency, misconduct or unsatisfactory performance.

8.12 Restoration of Duty Upon Return from Military Service.

Any employee, who subsequent to July 1, 1985 has left or leaves a probationary or permanent classified position, for active duty in the armed forces of the United States for an indefinite period of involuntary service and who upon separation from the armed forces of the United States by honorable discharge or under honorable conditions makes application for reemployment within ninety days following discharge or within ninety days after release from hospitalization continuing after discharge for a period of not more than one year shall:

- (a) If still qualified to perform the duties of such position, be restored by his/her department to such position or to a position of like seniority, status and pay; or
- (b) If not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform duties of any other position in the department where he/she formerly worked be restored to such other position as will provide him/her like seniority, status and pay or the nearest approximation thereof consistent with the circumstances in his/her case.

8.13 Restoration of Duty on Return from Service as President of the State Police Troopers Association.

- (a) Subject to the provision of Rule 11 _____, when the term expires of a member of the State Police Service who has served as President of the Louisiana State Troopers Association, such member shall be returned to the position occupied at the time of his/her election.
- (b) Upon returning to his/her former position, the former President shall receive all emoluments of the position, including merit increases, pay scale changes, service time, and any other perquisites associated with the position and the State Police Merit System.

8.14 Promotion.

- (a) Subject to the provision of Rules 8.7 (a) and 8.7 (b), each promotion shall be made by appointing one of the eligibles within the five highest final grade groups on a promotional certificate issued by the Director following competitive examination.
- (b) The Director shall issue a promotional certificate from a register of eligibles established following a competitive promotional examination. Candidates shall be certified in grade order.
- (c) the Director shall not include in any promotional certification the name of an employee having a current service rating of "Unsatisfactory".

8.15 Demotion.

A permanent or probationary employee may be demoted for cause, or at his/her request, to any position for which he/she possesses the qualifications specified in the appropriate standards of requirements for such position.

8.16 Fingerprinting of Employees.

All applicants for State Police Cadet will be required to provide a classifiable set of fingerprints.

CHAPTER 9

PROBATIONARY PERIOD

9.1 Probationary Period.

- (a) A probationary period of twelve (12) months shall be served by employees following original appointment or non-competitive reemployment.

The probationary period shall be an essential part of the examination process and shall be used for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required performance standard of work.

- (b) A permanent employee who is promoted, transferred, reassigned or demoted to another position shall not serve a probationary period in the new position.
- (c) A probationary employee may be removed by the appointing authority at any time, provided that the appointing authority shall furnish the Director reasons therefor in writing, and provided that the Director approves such removal.
- (d) A former employee who is appointed from a department preferred re-employment list is not required to serve a probationary period in the new position.

9.2 Permanent Appointment Action Following Probationary Period.

- (a) Permanent appointment of a probationary employee shall begin upon certification by the appointing authority. Certification will consist of a statement in the "remarks" section of the Standard Form 1, " I certify that this employee has met the required standard of work during the probationary period."
- (b) A permanent appointment must be reported on an SF-1.
- (c) The appointing authority shall remove employees who have not been certified as permanent at the end of the twelve-month probationary period in accordance with the provisions of Rule 9.1 (c).

9.3 *Interruption of Probationary Period for Military Purposes.*

A probationary employee who is absent for military training or military active duty shall be returned to duty in the probationary status at the point he/she reached in the probationary period before leaving.

9.4 *An employee cannot attain permanent status or acquire other rights and benefits of permanent appointment for more than one full-time equivalent position in State service.*