



State Police Commission

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Transmittal Sheet No. 77

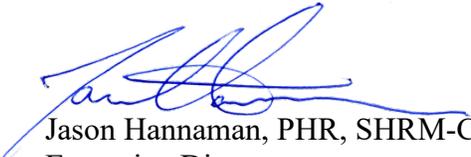
Subject: Adoption of amended rules in Chapters 1 and 12

Effective Date: October 13, 2022

At its meeting on October 13, 2022, on motions duly made, and seconded, by the unanimous vote of the members present, the State Police Commission voted to amend rules in Chapters 1 and 12 as published in General Circular No. 228. The remaining rules proposed on General Circular No. 228 were tabled for further discussion and review. The rule changes are prospective. Reprimands issued on or after October 13, 2022, will be considered non-disciplinary improvement letters in accordance with newly amended SPC Rule 12.9.

Attached is a complete copy of Chapters 1 and 12.

Sincerely,



Jason Hannaman, PHR, SHRM-CP
Executive Director

Attachment

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 "Exceptional" or "Successful".

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.

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 to an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or transaction of personal affair.

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 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 have the power to make appointments to and removals from positions in the State Police Service.

Appointment - the designation, by an appointing authority of an employee to a certain office or position and his acceptance thereof.

Article or State Police 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 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 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 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 either 1) the parish of the abolished position(s) 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).

Compensation - 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 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 who have been laid off or otherwise affected 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, and involuntary demotions.

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.

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 reflects 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.

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.

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.

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 non-disciplinary 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, with holding 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.

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.

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.

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.

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.

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.

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 pre-established 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.

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, 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 - for each full-time employee in the classified service, shall be eighty (80) hours in a two week period.

T/S-56 - Chapter 1 09/10/2015

T/S-68 - Chapters 1, 2, 11, and 21 9/10/2020

T/S-77 - Chapters 1 and 12 10/13/2022

CHAPTER 12

DISCIPLINARY ACTIONS, REMOVALS AND RESIGNATIONS

12.1 Appointing Authority.

Disciplinary and other actions authorized by this chapter may be taken only by the appointing authority or his or her designee.

12.2 Cause; Disciplinary Actions.

- (a) A permanent employee may only be disciplined for cause.
- (b) Disciplinary actions include only the following: dismissals, suspensions without pay, reductions in pay, and involuntary demotions.

12.3 Restrictions on Suspensions Without Pay and Reductions in Pay.

- (a) Except as provided by Rule 12.5 or as ordered by the Commission or agreed to under Chapter 13 or Chapter 16, a suspension without pay may not exceed 720 working hours.
- (b) No disciplinary reduction in pay may bring an employee's pay below the minimum of his pay range or below minimum wage.

12.4 Administrative Leave Pending Investigation.

- (a) Where, in the judgment of the appointing authority, there is reason to suspect that an employee has engaged in conduct which would warrant disciplinary action, but the appointing authority does not then possess sufficient facts to support a disciplinary action, or an employee's dismissal or removal is proposed in accord with Rule 12.7, and the employee's continued presence on the job or performance of his duties reasonably poses a significant hazard or danger to the general health or safety or the efficiency of the public service, the employee may, either verbally or in writing, be placed on Administrative Leave with pay. Such leave shall not reduce the employee's annual or compensatory leave.
- (b) When an employee is placed on Administrative Leave under the provisions of this rule, if feasible, the employee shall first be informed of the intended action and the reasons therefor and the employee shall be given an opportunity to respond verbally at that time. If such is

not feasible, or will reasonably significantly endanger the general health or safety or the efficiency of the public service, such shall not be required and, in that case, the employee shall merely be informed of the action. This notice and opportunity to verbally respond shall not substitute for the requirements of Rule 12.7.

- (c) Within fifteen (15) calendar days after the action provided for by this rule, the appointing authority shall provide the employee with such facts which support the action as are then available and which will not violate any confidence between the appointing authority and the investigating, arresting and/or prosecuting authority.
- (d) An action taken under this rule shall not exceed 400 regular duty working hours. The 400 regular duty working hours shall be exhausted prior to using enforced leave.
- (e) Upon completion of the investigation, the Director and the employee shall be notified in writing of the outcome of the investigation. Should the appointing authority find that cause does not exist for further action against the employee, the employee shall immediately be returned to duty. Should, however, the employee then be disciplined, and if not previously given, the employee shall then be given all notices required by Rule 12.7 and/or Rule 12.8.
- (f) Notwithstanding any other provision of these Rules, Administrative Leave Pending Investigation is not a disciplinary action and is only appealable under Rule 13.1(a) or (c).
- (g) The appointing authority may, within their discretion, require an employee placed on Administrative Leave under this rule to immediately surrender his commission card, badge, weapon (s) and all department issued equipment.

12.5 Suspension or Administrative Leave Pending Criminal Proceedings.

- (a) Upon the arrest or indictment of, or the issuance of a criminal summons to an employee, at the request of the appointing authority, the Commission may allow the suspension of the employee during the pendency of the criminal proceedings. This suspension may be for such duration and under such conditions as the Commission may allow.
- (b) In such cases, the request of the appointing authority shall contain all the details required by Rule 12.8 as are then available to the appointing authority and which will

not violate any confidence between the appointing authority and the investigating, arresting and/or prosecuting authority. Such request shall be furnished to the employee at or prior to the time it is furnished to the Commission.

- (c) Prior to approving a suspension under this rule, the Commission shall allow the employee or his attorney a reasonable opportunity to appear before the Commission and respond.
- (d) At the time it considers such request, the Commission may decline the request for the suspension and, instead, place the employee on Administrative Leave with pay during the pendency of the criminal proceedings. Should the Commission do so, such action shall not be appealable to the Commission, except on the basis of discrimination or a violation of the Article or these Rules.

12.6 Non-disciplinary Removals.

- (a) An employee may be removed under the following conditions:
 - 1. When he or she holds more than one position in the state service and the multiple employment causes an employing agency to be liable for overtime payments under the Fair Labor Standards Act and, after having been provided an opportunity to do so, the employee has refused to resign from one of the positions; or
 - 2. When the reason for the dismissal is not the employee's fault or conduct, or when the employee fails to obtain or loses, as a result of conduct that was not work related, a license, commission, certificate or other accreditation that is legally required for his job.
- (b) An employee removed under this rule shall be furnished with the same notice required for dismissals under Rule 12.8, and he or she shall have the same right to appeal such as if it were a disciplinary dismissal.
- (c) When an employee is removed under this rule, the appointing authority shall designate the dismissal as non-disciplinary on all forms used to report such dismissal, and the adverse consequence of Rules 6.5(c), 7.5(a)4, 8.9(c), 7.24(a), 8.18(d), 11.18(b), and 17.24 shall not apply.

12.7 Pre-dismissal, Removal or Discipline Procedure.

- (a) A permanent employee may not be dismissed or removed or subjected to any discipline, until he has been given written notice of the proposed action and the reasons therefore, a description of the evidence supporting the proposed action and a reasonable opportunity to respond thereto.
- (b) In the case of a suspension pending the outcome of criminal proceedings, the notice provided to the employee under the provisions of Rule 12.5(b) shall satisfy the requirements of paragraph (a) of this rule.

12.8 Written Notice.

- (a) Except as provided by Rule 12.5, a permanent employee who is disciplined shall be given prior written notice of the action which:
 - 1. States the action which is being taken and the effective date and time thereof;
 - 2. Contains such information as will fully inform the employee of the conduct on which the action is based and which will enable him or her to prepare a defense, including, where pertinent, the date, time and place of such conduct and the names of persons directly involved in or affected by such conduct (unless their identities are protected by law, in which case, identification shall be made as permitted by law);
 - 3. Contains the following notification: "You have the right to appeal this action to the State Police Commission. The time limits and procedure for appealing are contained in Chapter 13 of the State Police Commission Rules."; and
 - 4. Advises the employee that a copy of Chapter 13 of the State Police Commission Rules can be obtained from the State Police Commission and provides the Commission's current mailing address and telephone and fax numbers.
- (b) Written notice is considered given:
 - 1. Upon delivery to the employee or a person of suitable age and discretion who resides with the employee; or
 - 2. On the 7th calendar day after it is mailed to the employee, with correct postage, at the most recent address furnished by the employee in writing to the Human Resources Office.

12.9 Improvement Letters.

- (a) An appointing authority may issue letters (such as warnings, counseling, coaching, reprimands, supervisory plans, etc.) to attempt to improve an employee's conduct.
- (b) An employee may respond in writing to an improvement letter. The employee's response must be attached to each copy of the letter kept by the agency.
- (c) If the same or similar conduct recurs, an improvement letter can be used to support the severity of future discipline, but only if the letter advised the employee that the letter would be used for this purpose and advised the employee of his right to respond.
- (d) An improvement letter is not discipline, is only appealable under Rule 13.10(a) or (c), and may not be included in any publicly accessible personnel record until used to support future discipline.

12.10 Removal of Sick or Disabled Employees.

- (a) Upon exhaustion of their sick leave and upon their request, an employee absent from duty because of a physical and/or mental disability or condition which prevents performance of the usual duties shall thereafter be placed on any type of paid leave then available to them and, upon the exhaustion of such paid leave, the employee shall then be placed on unpaid leave. The period of leave provided for by this rule shall be until the exhaustion of the employee's sick leave or the leave provided for by the Family Medical Leave Act (FMLA) or one(1) year, whichever is longer.
- (b) After such employee has been absent from duty because of such physical and/or mental disability or condition for the period provided for by Rule 12.10(a), and the employee has exhausted all of his or her sick leave or leave available under FMLA and the employee's job must be performed without further interruption, the appointing authority, may, for these reasons, remove such employee. Such removal shall not disqualify the former employee from non-competitive reemployment, as provided for by Rule 8.18.
- (c) Notice of the removal of an employee under the provisions of sub- section (b) shall be given pursuant to the provisions of Rule 12.8.

- (d) An employee removed under this rule shall have a right of appeal only based upon discrimination and/or the violation of the Article or these Rules.

12.11 Resignations.

- (a) Upon the termination of the services of a permanent or probationary employee by voluntary resignation, the appointing authority shall request that the employee submit a letter of resignation or complete other appropriate agency "exit" forms. Where it is not possible to secure the letter or form, the appointing authority shall prepare and maintain a written explanation of the reason(s) for the resignation, if known, and the reason that a letter of resignation or exit form was not obtained.
- (b) The resignation of an employee, submitted orally or in writing, shall become an accomplished fact upon:
 - 1. Its acceptance by the appointing authority or his or her designee, notwithstanding that it may include a prospective effective date; or
 - 2. The occurrence of the effective date and time specified by him in his statement of intention to resign.
- (c) When signed by the appointing authority or his or her designee, a personnel status change form which reports to the Director the resignation of an employee shall constitute one type of acceptance of the resignation.
- (d) An employee may not rescind or withdraw his resignation subsequent to:
 - 1. Its acceptance by the appointing authority unless the appointing authority agrees thereto;
 - 2. The effective date and time specified in the resignation; or
 - 3. The terminal date and hour specified in the personnel status change form mentioned in sub-section (c) hereof.
- (e) By mutual agreement between an employee and the appointing authority, an accepted resignation may be withdrawn and rescinded at any time prior to the effective date and time specified by the employee in the resignation.

- (f) When an employee resigns after receiving the notice required under Rule 12.7 that his dismissal has been proposed, the SF-1 form reporting the resignation shall so indicate. At the time the SF-1 form reporting the resignation is mailed or delivered to the Director, a copy thereof shall be mailed to the employee at the last known address furnished by the employee to the Human Resources Office.

12.12 Troopers Rights related to Administrative Investigations

The statutory embodiment of the Law Enforcement Officer's Bill of Rights, as set forth at La. R.S. 40:2531, et seq, is considered an unconstitutional infringement on the Constitutional authority of this Commission and as such, it will not be applied to cases under Commission review. Members of the state police service, (hereinafter "Louisiana State Police Troopers") who are under administrative investigation with a view to possible disciplinary action as set forth in 12.2(b) of these Rules are afforded certain minimum rights by this Commission as set forth below. These rules do not apply to criminal investigations, fleet crash, shooting review or equal employment investigations. Criminal, fleet crash, shooting review or equal employment investigations, drug/alcohol screening, fitness for duty evaluations and requests for incident reports are not considered administrative investigations, nor are these rules considered applicable to those preliminary investigatory actions.

Rule 12.13 Notice

The Louisiana State Police Trooper being investigated shall be informed, within fourteen (14) calendar days of the start of the investigation (as set forth in Rule 12.18 below), that Trooper is under investigation, including the date(s) of the alleged offense and the substance of the factual allegations being made against the Trooper. Further, at the start of any interrogation, Trooper shall be informed of identity and authority of the person conducting such investigation, and at the commencement of any interrogation, such officer shall be informed as to the identity of all persons present during such interrogation. The Louisiana State Trooper shall, upon request, be provided a copy of any written complaint after his/her interrogation if a written complaint has been made against the Trooper. The Louisiana State Trooper shall be allowed to make notes.

Rule 12.14 Conditions

Any interrogation of Louisiana State Police Trooper in connection with an investigation shall be for a reasonable period of time and shall allow for reasonable periods for the rest and personal necessities of such Louisiana State Police Trooper.

Rule 12.15 Recording of Interviews

All interrogations of any Louisiana State Police Trooper in connection with the administrative investigation shall be recorded in full. The Louisiana State Police Trooper shall be provided a copy of the recording or transcript, if the recording is transcribed, of the recording of his/her statements upon his/her written request.

Rule 12.16 Right to Counsel

- (a) The Louisiana State Police Trooper being questioned, whether as a target or as a witness in an administrative investigation, shall have the right to be represented by counsel, a representative of his/her choosing.
- (b) The Louisiana State Police Trooper shall be granted up to fifteen (15) calendar days to secure such representation, during which time all questioning of the trooper shall be suspended.
- (c) The Louisiana State Police Trooper's representative or counsel shall not disrupt or interfere with the interview or interrogation. The Louisiana State Police Trooper's representative or counsel may not instruct the Trooper how to testify but may confer with the Trooper as necessary throughout the interrogation and make statements on the record.

Rule 12.17 Statements inadmissible at criminal proceeding

No statement made by the Louisiana State Police Trooper during the course of an administrative investigation shall be admissible in a criminal proceeding against him/her and he/she shall be so advised at the beginning of the interview or interrogation.

Rule 12.18 Time within which to initiate investigation

- (a) When a formal complaint is made against any Louisiana State Police Trooper, the Appointing Authority or his designee shall cause an investigation to be initiated within fourteen (14) calendar days of the date the complaint is made.

- (b) If no formal complaint is made against a Trooper but an incident justifies an investigation, the Appointing Authority or his designee shall cause an investigation to be initiated within fourteen (14) calendar days of the date that Internal Affairs, the Troop/Section Commander or anyone above the commander in the chain of command, learns of the incident.

Rule 12.19 Time to complete investigation and extensions of time

- (a) Except as otherwise provided in this Rule, each investigation of a Louisiana State Police Trooper which is conducted under the provisions of this rule shall be completed within sixty days of the date the investigation was initiated.
- (b) The appointing authority or his designee may petition the State Police Commission, or its Executive Director, for an extension of the time within which to complete the investigation. The executive Director shall have the authority to grant up to one fifteen (15) calendar day extension without the necessity of a hearing but the Trooper shall be notified of the request for extension of time.
- (c) The State Police Commission shall have the authority to grant up to a sixty (60) day extension, in addition to that set forth in subparagraph (b) above, upon a showing of good cause at a hearing conducted by the Commission. The Commission shall set the matter for hearing and shall provide notice of the hearing to the Louisiana State Police Trooper who is under investigation. The Louisiana State Police Trooper who is under investigation shall have the right to attend the hearing and to present evidence and arguments against the extension. Any hearing conducted regarding this Rule may be conducted either by the full Commission or a referee and may be conducted in person or by telephone or other electronic means, as deemed necessary and appropriate by the Commission.
- (d) Nothing contained in this Paragraph shall be construed to prohibit the Louisiana State Police Trooper under investigation and the appointing authority from entering into a written agreement extending the investigation for up to an additional sixty (60) days.
- (e) The investigation shall be considered complete upon determination of the appointing authority to institute

disciplinary action against the Louisiana State Trooper or a determination of an exonerated, unfounded or not-sustained complaint.

- (f) Written notice shall be given to the Trooper within seven (7) calendar days from the completion of the investigation, as described in (e) above, that the investigation is complete, the findings of the investigation (Sustained, Not Sustained, Exonerated or Unfounded), the proposed discipline and that the pre-deprivation notice required by Rule 12.7 shall be given within 45 calendar days.
- (g) Nothing in this paragraph shall limit an investigation of alleged criminal activity.
- (h) The investigation of criminal activity may suspend the sixty (60) day period for completing the administrative investigation.
- (i) If the Appointing Authority or his designee requires an extension of time within which to complete the investigation or if an extension of time is jointly requested, and the Trooper has been placed on leave pending investigation under Rule 12.4, the Trooper shall be continued on paid administrative leave pending investigation until the completion of the investigation if the Appointing Authority finds that continued leave is warranted under Rule 12.4.

Rule 12.20 Penalty

Any disciplinary action taken against the Louisiana State Trooper in violation of these Rules may be reduced, modified or reversed by the Commission, in accordance with Rule 13.20.

T/S - 21	07/21/1997
T/S - 42: Rule 12.12	07/16/2009
T/S - 55: Rules 12.12, 12.13-12.20	10/09/2014
T/S - 66: Rule 12.4	02/13/2020
T/S - 73: Rule 12.19	07/08/2021
T/S - 77: Chapters 1 and 12	10/13/2022