

State Police Commission



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General Circular No. 76

Issue Date: June 19, 1997

Subject: Revision/Adoption 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 Monday, July 21, 1997, to consider revisions/adoptions to rules contained in Chapters 7, 8 and 14. The meeting will begin at 9:00 a.m. in the Conference Room, Eleventh Floor, Wooddale Towers Building, 1885 Wooddale Boulevard in Baton Rouge, Louisiana. Copies of the proposed rules are attached hereto.

Please review these proposals and furnish, in writing, by July 10, 1997, any comments you consider pertinent. If you would like to appear before the Commission and present your comments orally, you are invited to do so. You must notify this office by July 10, 1997 of your intention to address the Commission, in order to be placed on the agenda.

As announced by the Commission at their May 19, 1997 meeting, additional comments will be entertained concerning promotional examinations.

Please post this circular and attachments prominently, so that all employees will receive notice of this public hearing. If any special accommodations are needed, please notify us prior to the meeting.

Sincerely,

Debra L. Johnson

Debra L. Johnson
Director

Attachments

CHAPTER 7
EXAMINATION AND ELIGIBLE LISTS

7.11 Preferential Eligibility Credit

- (b) Subject to the provisions of Subsection (e) and (g) of this Rule, in original appointments, the appointing authority shall give some consideration and preference to:
1. Persons honorably discharged, or discharged under honorable conditions, from the Armed Forces of the United States who served:
 - (a) 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
 - (b) Prior 7.11 (b) 2. repealed, effective January 28, 1992.
 - (c) Prior 7.11 (b) 3. repealed, effective January 28, 1992.
 - (d) Prior 7.11 (b) 4. repealed, effective January 28, 1992.
 - (e) Prior 7.11 (b) 5. repealed, effective January 28, 1992.
 - (f) In a peacetime campaign or expedition for which campaign badges are authorized.
 2. 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;
 3. The spouse of each veteran whose physical condition precludes his or her appointment to a position as a State Police Cadet;
 4. The unremarried widow of each deceased veteran who served in a war period as defined in subsection (b) 1. (a) of this Rule, or in a peacetime campaign or expedition;
 5. The unremarried widowed parent of any person who dies in active wartime or peacetime service or who suffered total and permanent disability in active wartime or peacetime service;
 6. 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) Prior 7.11 (d) 1. and 2. and (e) repealed, effective . . .
- (d) Prior 7.11 (f) repealed by the State Civil Service Commission effective January 1, 1975.

- (e) Except for Subsection (b) 2. of this Rule, service that is for the purpose of training only shall not be considered as qualifying service.

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7.13 Results of Tests

The rating of each test shall be completed as soon as possible after the test is given, and the Director shall have prepared an eligible list for the class from the results with the names of those persons who have met the eligibility placed in alphabetical order. 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.

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7.17 Establishment of Eligible Lists

- (b) Repealed, effective

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7.23 Amendment of Lists

- (a) For the positions of Sergeant and Lieutenant only, a list of eligibles shall be compiled as follows:
 1. The top five grade groups shall be determined from the current scores as determined under these rules as they existed prior to the effective date of the latest amendment of this rule; and
 2. The top five grade groups shall be determined from the highest score achieved on all promotional examinations administered for the position of Lieutenant from April 1995 and the same for the position of Sergeant from September 1995; and
 3. The top five grade groups from paragraphs one (1) and two (2) (above) shall be consolidated, so as to produce a single list of eligibles.
- (b) The list provided for by subsection (a) (above) shall remain in effect until canceled by the Director in accordance with Rule 7.26 and/or other applicable provisions of the Rules.

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CHAPTER 8

CERTIFICATION AND APPOINTMENT

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8.9 Appointment Of Eligibles From Certificate

- (a) Except as provided in subsection (c) hereof or in making appointments from a departmental preferred reemployment list, appointment for the position of Sergeant or Lieutenant from certificates shall be made from one of the eligibles within the ten highest grade groups. All other appointments from certificates shall be made from one of the eligibles within the five highest grade groups. All candidates having the same final grade will be considered as a "grade group".

In making appointments from a departmental preferred reemployment list, the highest ranking eligible shall be appointed.

When processing a certificate of eligibles, appointment shall be made from the ten highest grade groups as provided on the official certification of eligibles.

If one or more of the ten top grade groups is eliminated in accord with the Rules, the Appointing Authority may proceed to the next final grade group or groups until there are at least ten grade groups from which to choose.

Certificates showing action taken thereon must be returned by the expiration date specified on the certificate, unless the time is extended by the Director.

In each case of appointment, such appointment shall become effective on the day the appointee begins duty.

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CHAPTER 14

REQUIRED OR PROHIBITED ACTIVITIES

14.1 Every classified member of the State Police Service shall:

- (a) Assist the State Police Commission and/or its Director in effectively carrying out the provisions of the Article and Rules; and
- (b) Answer truthfully, whether under oath or otherwise, all proper questions put to him or her by authorized representatives of the State Police Commission and/or its Director.

14.2 Prohibited Political Activity

- (a) Except as provided in subsection (b) (below), no member of the State Police Commission and no classified member of the State Police Service shall:
 - (1) Participate or engage in political activity, including, but not limited to, any effort to support or oppose the election of a candidate for political office or support or oppose a particular political party in an election;
 - (2) Be a candidate for nomination or election to public office;
 - (3) Be a member of any national, state, or local committee of a political party or faction;
 - (4) Make or solicit contributions for any political purpose, party, faction, or candidate;
 - (5) Use or attempt to use his position to influence, punish or coerce the political action of any person, including a classified member of the State Police Service;
 - (6) Take active part in the management of the affairs of a political party, faction, candidate, or any political campaign;
 - (7) Take active part in an effort to recall from office an elected public official, or seek, solicit or attempt to influence or coerce any person, including a classified member of the State Police Service or of the State Police Commission, into participating in any such effort or attempt to influence or coerce any person into signing a recall petition; or
 - (8) Directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political party, faction or candidate, nor solicit or take part in soliciting any such assessment, subscription or

contribution, and no person shall solicit any such assessment, subscription or contribution of any classified employee in the State Police Service.

- (b) Prohibited political activity shall not include:
- (1) Seeking election as the classified state police officer serving on the State Police Commission;
 - (2) Activity in support of or opposition to the election of the state police officer serving on the State Police Commission;
 - (3) The exercise as a citizen of the expression of an opinion privately;
 - (4) Serving as a commissioner or official watcher at the polls for any state or federal election;
 - (5) Casting a vote in any local, state or federal election;
 - (6) Except as provided in subsection (a) (7) (above), activity in support of or opposition to any referendum, including a tax referenda, amendment of the state or federal constitutions or issues involving bonded indebtedness; or
 - (7) Signing a petition to recall from office an elected public official.

14.3 Other Prohibited Activity

- (a) Discrimination, as defined in Rule 1.14.1, is prohibited.
- (b) No person shall be appointed or promoted to or demoted or dismissed from any position in the classified State Police Service, or in any way favored or discriminated against with respect to employment, because of his or her political or religious opinions or affiliations, race, sex, or membership or non-membership in any private organization.
- (c) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to or any advantage in a position in the classified State Police Service.
- (d) No appointing authority, agent, or deputy thereof, or supervisor of any employee shall, directly or indirectly, discipline, influence, coerce or take any other action against any employee in the classified State Police Service for the purpose of influencing his vote, support or other political activity in any general or primary election.

- (e) No person elected to public office shall, while serving in such elective office, be appointed to or hold any position in the classified State Police Service.
- (f) No person shall be appointed, promoted, transferred or in any way employed in or to any position in the classified State Police Service under any class title which has not been approved by the Director as appropriate to the duties to be performed.
- (g) No classified member of the State Police shall be appointed, promoted, transferred or in any way employed in or to any position which is not within the State Police Service.
- (h) No payment for personal services of any classified member of the shall be made until the Director has approved the appointment.
- (i) No person shall make any false statement, certificate, mark, rating, form or report with regard to any application, test, certification, personnel transaction, appointment or employment made under any provision of the Article or Rules of the State Police Commission, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the Article or Rules.
- (j) No person or appointing authority shall, directly or indirectly, persuade, induce or coerce or attempt to persuade, induce or coerce any prospective applicant or eligible to withhold filing an application or to withdraw from competition or eligibility for positions in the classified State Police Service for the purpose of either improving or diminishing the prospects for appointment of any applicant or eligible or prospective applicant or eligible.

In addition to other penalties which may be imposed by the Commission, the Director shall cancel any and all applications or eligibilities of any person who violates the provisions of subsection (j) (above).

- (k) No action shall be taken or authorized to be taken by any person without approval of the Commission or the Director, when such approval is required by the Article or the Rules.
- (l) Unless otherwise stayed by the Commission, a court of proper jurisdiction or the provisions of the Article, Rules, laws or constitution, no person shall fail to comply with any order or directive of the Commission.